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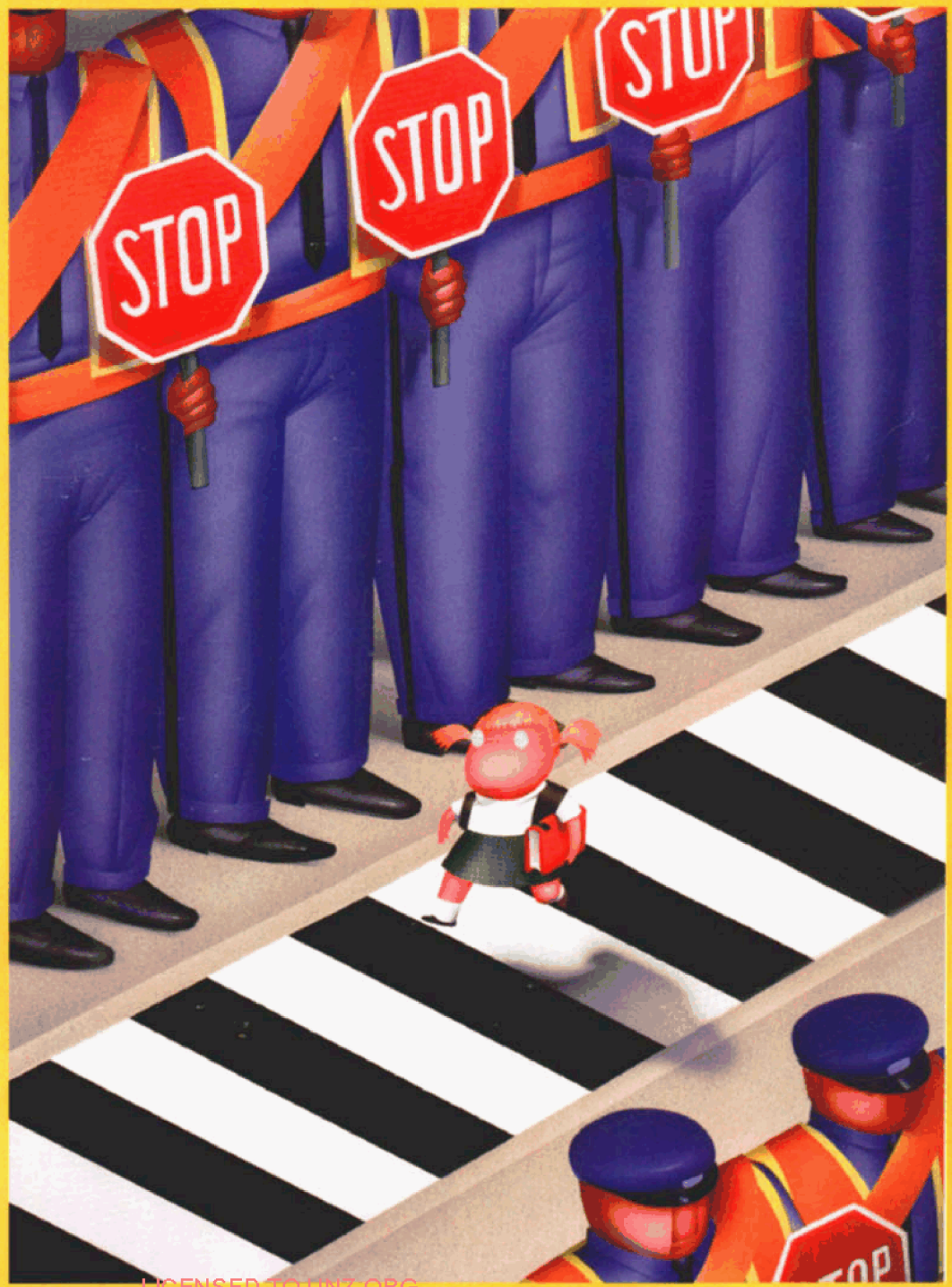

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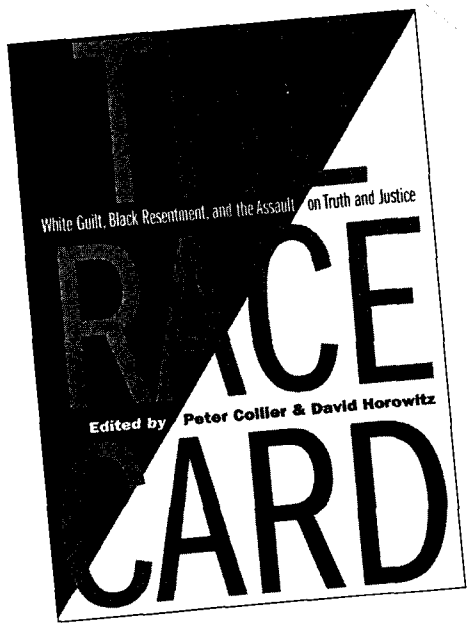

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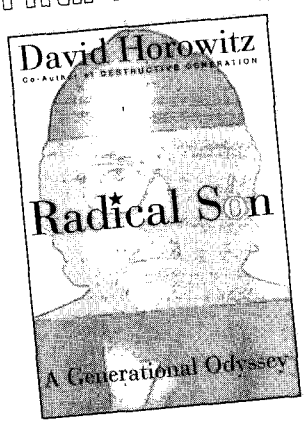

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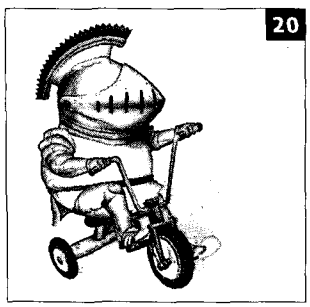

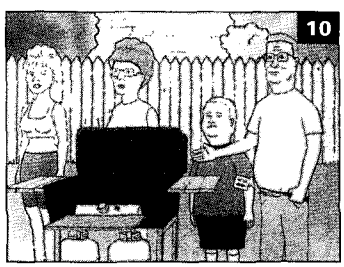

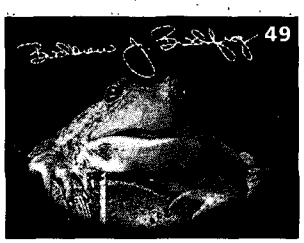

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Monstrous Hybrids

Understanding the Clinton campaign scandals

By Virginia I. Postrel

In our December 1992 book issue, REASON asked a number of writers to answer the question, "What should the president read?" by recommending three books for the incoming chief executive. At the time contributors had to make their choices, no one knew who the president would be. Suggestions ranged from *In Pursuit* to *The Little Red Hen.*

Had I known then what I know now, I would have suggested *Systems of Survival* by Jane Jacobs, an author best known for her iconoclastic work on cities. Subtitled "A Dialogue on the Moral Foundations of Commerce and Politics," her 1992 book provides much insight into the profound moral failings of the Clinton administration. If Bill Clinton had read it, and heeded it, he would have avoided a huge mess of trouble. But he would also be a very different person, with very different politics.

Using the trope of an extended discussion among characters from different professional backgrounds, Jacobs sets out to examine the moral codes that govern work. She finds two "syndromes"—two mutually exclusive collections of connected traits, self-organized systems that have evolved over the long span of human history. They derive, she argues, from the two and only two ways humans as a species have of making a living: taking and trading. (Most animals have only taking, better known as hunting and gathering.) She dubs them the "guardian syndrome" and the "commercial syndrome."

The commercial syndrome, recognizable as bourgeois morality and championed in the pages of this magazine, includes, writes Jacobs: "Shun force. Come to voluntary agreements. Be honest. Collaborate easily with strangers and aliens. Compete. Respect contracts. Use initiative and enterprise. Be open to inventiveness and novelty. Be efficient. Promote comfort and convenience. Dissent for the sake of the task. Invest for productive purposes. Be thrifty. Be optimistic."

These virtues encourage prudent benevolence, a search for ways to prosper by improving people's lives. As long as your trading partners also follow them, they represent a smooth, if twisting, road to success and security. But if predators—highway robbers—lurk nearby, then the commercial syndrome requires guardians for protection.

The guardian syndrome contains aristocratic and martial virtues: "Shun trading. Exert prowess. Be obedient and disciplined. Adhere to tradition. Respect hierarchy. Be loyal. Take vengeance. Deceive for the sake of the task. Make rich use of leisure. Be ostentatious. Dispense largesse. Be exclusive. Show fortitude. Be fatalistic. Treasure honor."

Guardian precepts strengthen the individual against fear and weakness—and against the temptation to misuse prowess or sell out allies. They are suited to defense against predators, as well as attacks against enemies.

Like any simple model, Jacobs's dichotomy doesn't describe the world perfectly. But as with any good model, its very simplicity delivers some useful insights.

For one thing, Jacobs reminds us that *in its place* the guardian syndrome is not only moral but necessary. It is the underpinning of government, including very limited government. For commerce to flourish, the territory within which it operates requires protection, and the rules that forbid theft and fraud need enforcement. Protection and enforcement, in turn, require guardians whose ethic lets them do some things (such as undercover surveillance) that the commercial ethic would shun and forbids other things (such as selling defense secrets) that might appear tolerable under a trading morality. (Whether treachery constitutes a breach of contract, prohibited by commercial ethics, is not a question Jacobs considers.)

Unlike traders, guardians must adhere to strict discipline, rather than go off on their own creative impulses, lest they undermine their mission or destroy the society around them. But a society that depends too much on the guardian syndrome will be an impoverished and stifling place. Taking is a very limited way to wealth, and progress—in knowledge as well as material goods—depends on a culture willing to reward inventiveness and trust strangers. At best, as in Hong Kong until July 1, the guardians operate apart from commercial society and give it enormous freedom.

Jacobs's primary message, then, is a warning: Inject a bit of commercial morality into guardian tasks, or vice versa, and you produce "monstrous hybrids." Some are truly horrific, such as the Nazis turning commercial-style efficiency toward genocide. Others are corrupting in more banal ways, such as defense contractors' insensitivity to costs or forfeiture used to fund police departments.

Individuals sometimes have to switch between the two syndromes to perform different tasks—as when a commercial lawyer serves on a government commission and must be loyal to the public task rather than to paying clients. The trick is to know when you're crossing from one set of ethics to another and to adjust accordingly. Trying to mix the two syndromes, or to apply them to inappropriate activities, produces institutional, social, and moral breakdown.

Enter the Clinton administration. It is almost unsurpassed in its ability to apply the inappropriate syndrome to the issue at hand: As labor secretary, Robert Reich complained that corporations don't show guardian-style loyalty, while the administration demands commercial-style behavior from the military. Firing the travel office staff—contract employees performing a commercial function—to ensure loyalty and wreak vengeance was a typical mixing of modes. So is asking the CIA to do industrial espionage.

And so was the entire Ron Brown Commerce Department philosophy: the pursuit of commercial ends (enriching particular companies) by guardian means (dispensing largesse, money "invested" to gain power rather than profit). A typical accomplishment, a monstrous hybrid, is proclaimed in a November 1994 press release on the president's trip to the Philippines and Indonesia. Its headline: "Clinton Administration Secures Contracts for U.S. Exporters Totaling Over $40 Billion, Supporting Tens of Thousands of Jobs." The contracts were secured not only through negotiations with foreign governments but through generous subsidies from the Export-Import Bank and the Overseas Private Investment Corporation, both founts of corporate welfare and political juice.

"Brown called it 'commercial diplomacy,' the intersection of foreign policy, government power and business deals. We used Washington's official muscle to help firms crack overseas markets," writes Brown's former undersecretary for trade, Jeffrey Garten, in *Newsweek*. Trade as war.

For the Clinton administration, there is no line between government and business. Wealth is dispensed through connections, not created through inventiveness and trade. It's no surprise, then, that this corporatist policy bred corrupt politics.

Fund raising for political candidates has inherent problems when viewed through Jacobs's lens. Especially in a legal regime that prohibits large donations from idealistically driven people, fund raising easily becomes the use of force—or the threat of force, or a promise to avoid force, or an offer to apply it to the donor's enemies—to get trades. It's part protection racket, part bribery, a monstrous hybrid. The only defense against such corruption is rigid, unswerving ideological commitment: policy views so certain that they cannot be swayed by money and so clear and predictable that they do not invite people to try. Whether one can be so stubborn and get elected to political office, outside a few safe congressional districts, is not clear.

Certainly, William Jefferson Clinton has never been tempted to try. His primary commitment, the task to which he and his staff are dedicated, is to further his career. Aside from a generalized statism and a feeling that racism is bad, he doesn't really have much in the way of ideology; the specifics are always in flux, a situation that suggests they are for sale. Hence the steady stream of scandals, of guardian territory allegedly sold by commercial transaction: from small-time stuff in Arkansas to increasing indications that the Chinese government thought—perhaps correctly—that Clinton administration policy was for sale. It would, after all, hardly be surprising to find that an administration dedicated to "the intersection of foreign policy, government power and business deals" might make foreign policy itself a business deal.

Everything for Sale is the title of Robert Kuttner's latest book, an ill-informed attack on markets, economists, and everything associated with them. (See Susan Lee's review on page 56.) But it is not laissez-faire advocates who confuse the guardian and commercial realms, who rush to call subsidies "investment" and treat government as an extension of business. In fact, only those who would limit the world of guardians, who recognize its necessity but fear its power, can be trusted not to sell it to the highest bidder.

How Green Is the Valley?

Scrutinizing the "generosity" of high-tech entrepreneurs

By Rick Henderson

Before the Heaven's Gate suicide gripped our attention, the media were targeting another variety of high-tech weirdos: Silicon Valley entrepreneurs who haven't given away "enough" of their newfound wealth. In its 1996 year-in-review issue, *Newsweek* fumed about "The Wealth and Avarice of the CyberRich." A *Los Angeles Times* story sniped at "digital-era Scrooges." And the cover story of the new quarterly *American Benefactor* blasted the "misers" of Silicon Valley. "In philanthropic circles," the magazine intoned, "the Valley holds a reputation for being notoriously tight-fisted. Or socially negligent. Or maybe both."

Americans donated a record $140 billion to charity last year, around 2 percent of GDP. The press is taking notice of the high-tech world, in part, because cyber-entrepreneurs have started giving their money away. Over the past few months, David Duffield of PeopleSoft has donated $20 million to Cornell University. Charles Wang of Computer Associates has promised to give as much as $25 million for the construction of an Asian-American cultural center at the SUNY-Stony Brook campus. And in February, David Filo and Jerry Yang, creators of the Yahoo! Web search engine, pledged $2 million to underwrite a professor's chair at Stanford.

But Silicon Valley remains under attack for the "stinginess" of its wealthy inhabitants. Of 50 major metropolitan areas surveyed by *The Chronicle of Philanthropy*, San Jose ranks last in individual charitable giving. "The libertarian streak that runs through much of Silicon Valley," gripes *Newsweek*, "prevents many techno-millionaires from seeing themselves as their brother's keeper."

Even though his company is based in Redmond, Washington, no one has felt the charity watchers' wrath as much as Microsoft's Bill Gates. *Newsweek* chides Gates for giving only about one-third of 1 percent of his net worth to charity. "By merely tithing his assets (something a good many poor people do on a regular, non-whining basis)," suggests *The American Benefactor*, "Gates could raise [the level of American philanthropy] by $2 billion or more."

"Despite all of his wealth, [Gates] is miserly in terms of the things that he does for charities and social change," the Institute for the Future's Paul Saffo told *Upside*, "and that's a scandal." The *Times* story even faults Gates and Microsoft because "only 15% of [the company's charitable giving] was in the form of cash—the rest was software that was valued at the retail price but cost the company almost nothing to produce."

To some extent, this grousing is predictable chattering-class envy, a typical response of persons who routinely treat commerce as an evil practice and consider wealth something you get out of the mailbox. And the writers don't disclose how

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much of *their* incomes they give away. How many prestige-press journalists are like James Atlas? He sheepishly admitted in *The New York Times Magazine* that, after paying mortgages on a Manhattan co-op and a Vermont farmhouse, his annual charity "budget" is $25. That's right. One Jackson and one Lincoln.

Along with their antipathy to commercial activities, these commentators seem to know little about the ephemeral nature of wealth in emerging industries. The compensation of entrepreneurs and employees alike is often heavily linked with a company's stock; a minor miscalculation can cause a business's value to vanish overnight. High-tech wealth isn't as liquid as the paychecks most of us deposit in the bank. And given the youth of many cyber-entrepreneurs, relatively low charitable giving should not be a surprise: They still have plenty of time to consider worthy causes—or go broke—and often still have families to take care of (or start).

Yet in their ham-fisted manner, these stories ask an important question: When Information Age entrepreneurs become philanthropists, who will benefit? Wage slaves may agonize over the proper time to bump up their United Way payroll deductions or slip another $20 in the Sunday collection plate. Aside from the perpetual tax code problems, however, giving away thousands, even millions, of dollars is (and ought to be) a serious affair. Apple's Steve Jobs started a charitable foundation in the 1980s but abandoned it soon after he discovered how time-consuming such business can be. Yahoo!'s Filo told National Public Radio that he and Yang wouldn't again give away a large chunk of money until "we have more time to think about what we want to do with it and what kind of cause we want to give it to."

Guilt-mongering hasn't swayed some in the Valley. Hectored by *Newsweek* about his personal giving, Sun Microsystems Chairman Scott McNealy said: "If you want to redistribute wealth, you liberals, why don't you go out and earn it and give it away. Redistribute your own wealth."

McNealy is on to something. As Saffo's invocation of "social change" suggests, this campaign isn't exactly about good works and voluntarism: It's a thinly disguised attempt to promote a redistributionist agenda. And it looks like a sure thing. High-tech entrepreneurs can let their "socially conscious" critics mau-mau them into supporting the critics' favorite causes. Or they can take a tough line and look like selfish cheapskates—the very image critics hope to pin on Silicon Valley and, often explicitly, on libertarian politics. That's why you'll never see a critic wondering whether the income tax erodes rich people's philanthropic instincts or whether it's best to be your "brother's keeper" by creating jobs and wealth—and possibly taking care of your literal brothers—or by adopting a reporter's favorite causes.

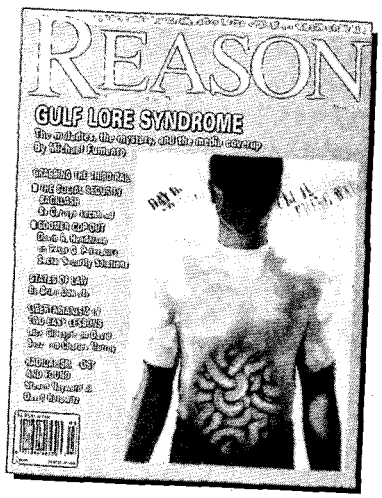
But McNealy is also wrong. Free market entrepreneurs have no monopoly on money-making skills. Just a few hundred miles to the south of Silicon Valley there are lots and lots of redistributionists making piles and piles of money and giving plenty of it away, sometimes to traditional charities and just as often to trendy leftist causes. From David Geffen to Ted Turner (and Turner's wife), lots of superrich people use their millions to push policies and ideas inimical to entrepreneurial capitalism. Those gifts buy them good press. But they also buy policies that could impoverish future generations.

Personally, I don't care whether the "cyber-rich" give away their millions (unless, of course, they give them to REASON). Through their own good work, they've already contributed enormously to the betterment of human life. They do, however, have a "social responsibility" to take their money seriously: to resist suggestions that they should rush to give it away without considering the effects on the very freedoms that have made them prosper.

REASON NEWS

■ We're pleased to announce that Contributing Editor Walter Olson will be writing a monthly REASON column. The first installment appears on page 54.

■ REASON will hold an Evening with the Editors cocktail party in Princeton, New Jersey, on May 29. Area subscribers will receive invitations by mail. Princeton alumni returning for reunions can get details from Jennifer George (rfdevelop @aol.com) or Erica Mannard (emannard @reason.org) in our Los Angeles office.



Boomer Battles

While your instincts to privatize Social Security are admirable, the March articles by Carolyn Lochhead ("Clash of the Titans") and the review of Pete Peterson's scare book by David R. Henderson ("Boomer Blues") were both irresponsible and more like tabloid journalism than legitimate commentary.

Although there may have been 35 workers to one Social Security recipient in 1935, 30 percent of the population was on the farms to grow the food we needed. Now it's 2 percent. It used to take hundreds of men (and horses) to build a road; now two men with a CAT and a loader do more in less time. There used to be hundreds of thousands of telephone operators—now there are essentially none. It used to take 200 hours to build an (inferior) car; now it takes 25. And on and on.

By 2030, because of continuing productivity gains, there will be no need for more than two workers to support each recipient. And keep in mind Social Security recipients are not supported by the money they didn't spend in 1950; they are being supported by today's production of goods and services. That will always be the case; you can't save up production. It doesn't make any difference, really, whether you invest in the market or otherwise. Overall, production is the key, not money. You libertarians should know that.

Don J. Smith
Rancho Mirage, CA

I was disappointed by the analysis of Social Security in the March issue of REASON. Both the feature "Clash of the Titans" and the book review "Boomer Blues" erred by mistaking macroeconomic problems with their microeconomic analogs. Microeconomically, there is much for a libertarian to dislike about a compulsory program like Social Security. However, both articles concentrated (naturally) on *the* problem with Social Security, namely that the aging of the baby boomers will result in a very unfavorable ratio of workers to retirees, threatening the fiscal soundness of the system.

Admittedly, the trust fund view of Social Security is a myth. However, the articles seem to imply that other plans, such as using the stock market, are true trust funds. In reality, all retirement plans rely on transfer of funds from those presently working to those presently retired. (If you believe there is an alternative, picture cryogenically freezing chicken salad sandwiches for your retirement.)

Therefore, the choice between Social Security and other programs makes no difference macroeconomically with regard to the most important problem. We must transfer from workers to retirees, and there soon will be fewer workers for each retiree, no matter what sort of national retirement plan we have. The only solutions are: 1) investment in foreign countries with different demographics; 2) increased immigration in the future to make up the worker shortfall; or 3) investing in the development of less labor-intensive manufacturing and service provision. Other discussions, while possibly important in their own right, just don't address the vital demographics issue.

Thomas Cunningham
Pasadena, CA

David Henderson replies: Both Don Smith and Thomas Cunningham make interesting and valid points. Neither point, though, is inconsistent with what I wrote. Smith's major idea is that productivity will increase in the future as it has in the past. He's right, which is why the Social Security taxes required to pay for benefits in 2040 will be around 20 percent of payroll rather than, say, 50 percent. Cunningham writes, correctly, that even a retirement fund holding stock would require a transfer from those currently working to those currently retired. But there's a huge difference between the two kinds of transfers.

When I receive Social Security in 2017, the "transfer" will be taxes forcibly taken from some innocent person then working. If I start to cash in my IRA that same year, the "transfer" will come from a company that voluntarily accepted that contractual obligation. This gets back to Smith's point that "you can't save up production." Actually, in a sense, you can. Imagine that Social Security had never been started. Then, from the 1930s on, consumption would have been lower, because the government would not have turned the funds over to old people, and capital investment would have been higher. There would then be a larger capital stock today and, with the same amount of labor, more production.

Exploding Airbags

Brian Doherty arrives at the right conclusion on airbags, but for the wrong reasons ("Airbags and Gasbags," March). He says that "airbags are much more likely to save someone than to kill them" but that people should still have the right to disconnect the bags or, presumably, not buy them at all, out of libertarian purity.

But Doherty's analysis is too shallow. True, airbags overall have saved more than 1,000 lives since 1990, while killing only a little more than 50. However, the relevant question is this: Are there identi-

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fiable groups for whom airbags provide little or no extra protection?

The answer to that is yes. Data from the National Highway Traffic Safety Administration show that, statistically, children under age 13 are three times more likely to die in cars with airbags than in those without. It may be that airbags pose a "tiny" risk to children compared with all other risks. But it is clear that young people are safer in cars without airbags than in those with them. Those 70 and older get no statistically significant benefit from airbags, NHTSA found. Short people are also at greater risk. Most of the adult drivers killed by the device were around five feet tall.

Together, these groups make up roughly one-quarter of the U.S. population. It is not enough to say that people should be free to opt for more risk. Under current government rules, many car owners are forced to pay extra for no benefit whatever. That's a point almost everyone, including Doherty and Michael Fumento, has missed.

Finally, a note about media coverage. In this instance, it was media pressure that forced a government agency to respond to real risks that it had been covering up for decades. Kudos to the reporters who explained these risks to readers in the face of unrelenting airbag hyperbole from government officials and so-called safety advocates.

John Merline
Washington Bureau Chief
Investor's Business Daily
Washington, DC

When it comes to airbags, Brian Doherty's freedom-of-choice philosophy is right, but his facts are wrong. He characterizes the risks posed by airbags to children as minuscule, in contrast to the large number of lives saved by airbags. According to REASON Science Correspondent Michael Fumento, Doherty tells us, this is yet another overblown epidemic "hyped by an alarmist media."

But while Fumento has been brilliantly incisive on many issues, the airbag isn't one of them. In his op-eds he has dismissed the issue as paling beside such public health problems as childhood obesity and folic acid deficiency. Fumento views the Department of Transportation's proposal to allow deactivation of airbags as a reaction to "hysteria."

The airbag's risks, however, are not so easily dismissed. According to the National Highway Traffic Safety Administration, for front-seat occupants aged 10 and under, the airbag raises the risk of death by up to 120 percent. By comparison, lap-shoulder belts reduce fatality risk by 40–50 percent. If the airbag's threat to kids is really too small to warrant attention, so are the benefits from wearing belts. By Doherty and Fumento's logic, it's a waste of time to buckle up, let alone make our children buckle up.

More important, current airbag risks are the result not of nature or technology but of politics. Airbags are designed to satisfy not consumer demand but an across-the-board federal rule. If there were no government mandate, airbags would be a matter of choice, not fiat, and airbag designs would not all be focused on protecting the 167-pound, unbelted male enshrined in the current federal standard. By Fumento's public health standards, no government fiasco in this country would count for much—not FDA delays in drug approval, not IRS abuses, not Waco. But the standards applicable to natural or chosen risks are different from the standards we apply to political outrage. Nature can do pretty much whatever it wants, but we're still entitled to a government of limited power. It's for this reason that media hype and public anger over airbags are to be applauded, not derided.

Sam Kazman
General Counsel
Competitive Enterprise Institute
Washington, DC

Brian Doherty replies: I appreciate Mr. Merline's laying out in some detail the differential risks that the government ignores by imposing a single safety standard on everyone. The point that children under 13 are advised by these same safety mavens to never be in the front seat of a car with airbags, which I mentioned in my editorial, changes the risks to children considerably, though. That's where the question of "libertarian purity" comes back in: The state ought not dictate safety

features that force kids out of the front seats if parents want them there. The dangers of government's tendency in risk regulation to ignore relative risks—to, as I wrote, "mak[e] one, society-wide cost-benefit analysis for everyone"—is what my editorial was about, although length limitations prevented spelling out specifics in the detail Merline did here.

In my editorial, I felt it necessary to acknowledge the point about airbags' risks made by REASON colleague Michael Fumento in a newspaper column. This does not mean, as Mr. Kazman writes, that I think the "threat to kids is really too small to warrant attention." In fact, it warranted the attention paid to it in the act of writing the editorial. NHTSA spokesman Timothy Hurd told me that that the *increased* risk to kids from airbags is only around 20 percent; that is, in two groups of 100 cars, one with airbags and one with seat belts only, if five kids would have died in crashes without airbags, six might have died with them. Lap-shoulder belts, meanwhile, would help anyone live through 40 to 50 percent of crashes that would otherwise be fatal.

Fumento was referring to total deaths caused by airbags, not relative probabilities of death for children who happen to be in the front seat of a car when an airbag activates. He was making a public service point to assuage panicky parents, not a public policy point. Of course, as Kazman says, the fact that the risk to children, however small, is caused by regulations does change the complexion of the argument.

CORRECTIONS

- In "No Class," (May), the proportion of high school students guaranteed acceptance by the California State University system was understated. Cal State enrolls students in the top third of their classes rather than the top fourth.
- In "Dishonor Roll" (Data, April), the abbreviation for Kansas should have been KS.
- Due to an editing error, the chemical name *pyridostigmine bromide* was misspelled in "Gulf Lore Syndrome" (March).

SPECIAL LETTERS SECTION

Speaking of "Gulf Lore Syndrome," a special letters section responding to the story begins on page 40.

Do you believe in individual liberty? Free market solutions? Limited government?

"It's a free country. The ACLU can do whatever it wants to do. They just won't be doing it with my money. If you want to support individual rights, consider the Institute for Justice."

Terry Dwyer
Journalist and
Institute for Justice Contributor

Once people turned first to the ACLU whenever government violated their rights. No longer. As that group has fought in recent years to create a right to welfare, to preserve racial preferences, and to kill school choice, people have increasingly sought a principled alternative that will protect individual rights rather than expand government.

That alternative is the Institute for Justice.

The Institute for Justice is America's premier libertarian law firm. *The Wall Street Journal* calls IJ "the new civil rights activists." We are in courts of law and the court of public opinion nationwide litigating on behalf of individuals whose most basic rights are denied by the State.

The Institute for Justice is what a civil liberties law firm *should* be. Isn't it time you took a look at an organization that's in court on behalf of your rights?

IJ

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Will Work for Unemployment

By Nick Gillespie

Who benefits more often from repeated use of unemployment insurance: workers who lose a particular job permanently or seasonal employees who are laid off and eventually rehired time and again? "Repeat Use of Unemployment Insurance," a recent National Bureau of

Economic Research Working Paper, attempts to answer this question.

Using data from Georgia, Idaho, Missouri, Pennsylvania, and Washington state for 1979 through 1984, Northwestern University economists Bruce D. Meyer and Dan T. Rosenbaum discovered that while most recipients only drew benefits once during the five-year period, almost 40 percent of claims went to individuals who drew benefits three or more times. Construction and manufacturing, note the authors, accounted for over 75 percent of claims, even though those industries represent less than one-third of overall employment. They also found that "middle-aged and high-paid workers are more likely to be repeat recipients" and "may prefer to be laid off and receive [unemployment insurance] for part of the year."

Such results, conclude Meyer and Rosenbaum, "suggest that a substantial portion of [unemployment insurance] resources subsidize certain firms and industries rather than provide true insurance."

What Makes Johnny Smoke and Drink?

By Nick Gillespie

Cigarette-puffin' Joe Camel and the beer-swilling Budweiser frogs are highly memorable advertising characters—especially, it seems, among kids. Indeed, that's the major reason they've been attacked. But a recent survey of middle- and high-school students suggests that, despite their popularity with the younger set, the puckish figures are lousy pitchmen.

Earlier this year, *USA Today* had pollsters from the Gordon S. Black Corp. conduct surveys with 534 teenagers in Philadelphia; Parma, Ohio; Henrietta, New York; and Amarillo, Texas, about brand preference in beer and cigarettes. Sixth-graders to high school seniors viewed television and print ads and responded to written questions; some students spent time in focus groups.

The results show high levels of brand recognition and approval among students: Fully 99 percent of the kids surveyed said they knew who the Budweiser frogs were, and 93 percent said they like the alcoholic amphibians "very much" or "somewhat." Joe Camel posted similar numbers. Ninety-eight percent were familiar with the character, and 65 percent liked ads that featured him.

However, such recognition and warm feelings didn't translate into sales. Budweiser, for instance, was "almost no teen's favorite beer brand." Instead, beer preferences were regional. Similarly, fewer than 20 percent of those polled said that Joe

Bud
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UNITED FEATURE SYND.
"WE FROGS SAW IT COMING, JOE. AFTER THE FDA BUSTED YOU FOR PEDDLING CIGARETTES TO KIDS, THEY CAME AFTER US FOR GLAMORIZING ALCOHOL!"
HENRY PAYNE

Balance Sheet

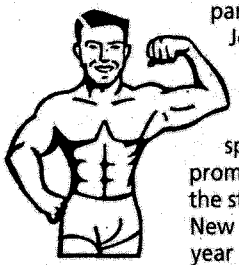
By Rick Henderson

ASSETS

△ **Decent Fellow.** After becoming the White House's chief Internet policy wonk, Ira Magaziner finally offers Bill Clinton useful advice. Speaking before the March Conference on Computers, Freedom, and Privacy, Magaziner says the Communications Decency Act was "a bad act." If the Supreme Court strikes it down, Magaziner says he'll urge Clinton to veto a replacement.

△ **Power Play.** A federal appeals court strikes down the EPA's attempt to force 12 Northeastern states to adopt California's superstrict auto-emissions regs. The rules, which include mandates to buy electric cars, are stricter than the Clean Air Act requires. The D.C. Circuit Court of Appeals says states that choose to adopt tighter pollution rules can do so. But "the case [for a federal mandate] must be made to Congress," not merely imposed on the states by EPA bureaucrats.

△ **Fall Guys.** The Garden State makes room for Nature Boy. As part of her campaign to improve New Jersey's business climate, Gov. Christine "The Trenton Tornado" Whitman signs a bill recognizing professional wrestling as entertainment rather than a sport. Such deregulation keeps wrestling promoters from paying a $100,000 media tax the state levies on televised sporting events. New Jersey expects to get at least $200,000 a year in sales tax revenue from concessions at live matches.



△ **Net Gain.** California's Board of Equalization, which supervises sales tax collection, votes to limit its taxing authority. It unanimously supports a moratorium on state and local Internet taxes pushed by Rep. Chris Cox (R-Calif.) and Sen. Ron Wyden (D-Ore.). Board member Dean Andal says Internet taxes could become "a substantial impediment to the growth of electronic commerce."

▼ Screen Gems. "New Democrat" Sen. Joe Lieberman (D-Conn.) and Sen. Sam Brownback (R-Kan.), a Cato Institute aficionado, prove they're Lethal Centrists after all. They introduce a bill that would force television broadcast and cable networks to establish a "voluntary" code of conduct to make shows more "family friendly." Brownback suggests the Television Improvement Act of 1997 would do no less than "encourage the broadcasting industry to make raising children easier."

▼ Pork Products. When you think "gridlock," Kansas City immediately comes to mind, of course. A section of ISTEA, the federal highway bill, would give that bastion of self-reliance $15 million to start a light rail system. (See "Spinal Tap," Apr.) The $450 million project, reports the trade magazine *ENR*, would eventually link the two Kansas Cities (Missouri and Kansas), the KCI Airport, the Truman Sports Complex (home of the Royals and Chiefs), and the Country Club Plaza.

▼ Painful Remedy. One unintended consequence of the growing medical marijuana movement: What about the Americans with Disabilities Act? In California, Mission Viejo bulldozer operator Rodney Dunaway loses his job after failing a drug test. But he smokes marijuana off-duty to relieve his glaucoma. Dunaway's union claims glaucoma is covered under the ADA; letting him smoke pot merely offers "reasonable accommodation" for his disease.

▼ Child's Play. Orrin Hatch (R-Utah), the allegedly conservative chairman of the Senate Judiciary Committee, once again proves he's a reliable statist when *the children* are invoked. He supported federal child care mandates in the 1980s and the Family and Medical Leave Act and expanded child welfare payments earlier this decade. Now Hatch co-sponsors Ted Kennedy's proposal to give children universal health insurance, financed by a 43-cent hike in the federal cigarette tax.

LIABILITIES

Camel would make them want to try the Camel brand, an assertion supported by the fact that Marlboro "is by far [teenagers'] favorite cigarette brand. In every city, teens who smoked overwhelmingly favored Marlboro."

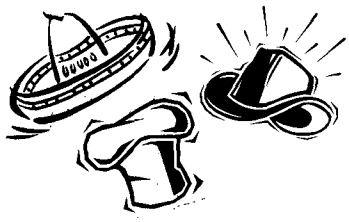
Microaid

By Brian Doherty

Small boosts can pay off for struggling small businesses. ACCION International, a group that specialized in giving tiny loans to small businesses in Latin America for decades, in 1991 began a series of lending programs in the United States. It now loans money in six U.S. cities.

ACCION has been operating long enough in three cities—New York, Albuquerque, and San Diego—to do a longitudinal study on the effects of its loans on 203 small entrepreneurs. ACCION makes loans, generally from $200 to $5,000, only to people who have already kept their business afloat for six months. But ACCION's definition of *business* is loose, covering entrepreneurs ranging from a woman who makes hats at home and sells them at weekly swap meets to someone who drives around in a van repairing bicycles. Forty percent of the U.S. businesses ACCION loans to operate from homes.

After receiving at least two loans from ACCION, the study found, the 203 businesses created $1 million in



new assets, increased monthly business revenue by $300,000, and added nearly $90,000 to monthly household income. Each business, on average, increased its assets by $5,332, gained $441 in monthly take-home pay, and provided the equivalent of 1.5 full-time jobs each.

Since the study didn't compare the clients to businesses in similar circumstances without loans, ACCION can't pinpoint how much benefit came from its loans or other factors like local economic conditions, regulatory environment, access to education, or merely the personal energy of the business owners.

Pissing Contest

By Jacob Sullum

In a 1989 dissent, Supreme Court Justice Antonin Scalia called a Customs Service policy of subjecting employees to urine tests without suspicion an "immolation of privacy and human dignity in symbolic opposition to drug use." On April 15, Justice Ruth Bader Ginsburg said much the same thing about a 1990 Georgia law that required all candidates for state office to pass a drug test. But this time both she and Scalia were in the majority, and Chief Justice William H. ▶

SOURCES

"Very widespread in modern society is the search for 'fulfillment.'...[Yet] for the majority of people whose main goal is fulfillment, [technology] does not bring completely satisfactory fulfillment." "Industrial civilization's great engines of distraction still seduce us with a promise of fulfillment. Our new power to work our will upon the world can bring with it a sudden rush of exhilaration....But that exhilaration is fleeting. It is not true fulfillment."
—Who said it? Al Gore or the Unabomber? Take the quiz and see if you can tell the difference between the enviro veep and the mad bomber, at **www.abb.org/rtside/algore/gore-unabomber-quiz.html.**

"Over the past 10 years, the U.S. agencies involved in counternarcotics efforts have attempted to reduce the supply and availability of illegal drugs in the United States through the implementation of the U.S. international drug control strategy. Although they have achieved some successes, the flow of cocaine, heroin, and other illegal drugs into the United States continues, and the availability of drugs and the cultivation of drug crops have not been reduced. In fact, between 1988 and 1995, illegal drug cultivation and drug-related activities have increased through South America, Mexico, the Caribbean, Southeast Asia, and other countries."
—From the General Accounting Office report *Drug Control: Long-Standing Problems Hinder U.S. International Efforts* (February 1997, GAO-NSIAD-97-75). Copies of the full study are available at the GAO Web site (**www.gao.gov**) or by calling 202-512-6000.

BRICKBATS

◆ The National Labor Relations Board ruled that Caterpillar Inc. broke the law during a strike that ended two years ago. The firm provided T-shirts and snacks to those who stayed on the job. Caterpillar was thus "restraining and coercing employees in the exercise of their rights," said the NLRB.

◆ Some people just don't like onions. Carl V. Berthelot, 50, the top assistant to Louisiana's state treasurer, went into a Burger King and ordered a hamburger without onions. When he got the burger, it had onions. He confronted the manager. Words were exchanged. Berthelot punched the manager. The treasurer's office was unconcerned. "It happened on his own time and he's capable of resolving his own disputes," said a spokesman. So it seems.

◆ It's illegal in Washington to work more than 40 hours a week without overtime. Helen Stansell found that out the hard way. The 23-year-veteran park ranger was suspended for six days after she worked after hours without pay helping a historical society find a local site.

◆ It seems that city workers in Miami are incredibly accident prone. Newspaper investigations found thousands have filed workers' compensation claims against the city. City workers have received settlements for breaking teeth while biting into candy bars and having an allergic reaction to a conch salad. Despite state law to the contrary, many have received settlements for accidents during recreational activities that don't seem ▶

Chip Bok

Rehnquist was the sole dissenter.

"Georgia asserts no evidence of a drug problem among the state's elected officials," Ginsburg noted, and in any case drug use by these officials generally would not represent a threat to public safety. "The need revealed, in short, is symbolic....However well-meant, the candidate drug test Georgia has devised diminishes personal privacy for a symbol's sake. The Fourth Amendment shields society against that state action." Although the Supreme Court has upheld suspicionless drug tests in the past—for railway workers and student athletes as well as Customs Service employees—it has always required a special justification.

The 8-to-1 decision came three months after the Court heard arguments from Walker Chandler, one of three Libertarian Party candidates who challenged the 1990 law after they were forced to take drug tests in 1994. Lower courts had rejected the challenge. The Clinton administration—which has recommended urine tests for teenagers who want driver's licenses—filed a brief in support of the law.

Food for Naught

By Nick Gillespie

In fiscal 1995, the U.S. Department of Agriculture issued over $22 billion in food stamps. By the department's own reckoning, it paid out $1.7 billion in fraudulent or mistaken claims nationwide. A new General Accounting Office report focuses on one persistent source of error: sending food stamps to the households of prison inmates.

The level of benefits is partly determined by the number of eligible members of a given household; not surprisingly, prisoners are not supposed to be counted. But when the GAO compared food stamp and state prison rolls in Florida, New York, and Texas, and local jail rolls in counties representing four major cities (Houston, Los Angeles, Miami, and New York), it found households in those areas "improperly collected an estimated $3.5 million in food stamp benefits." Extrapolating from that figure, the nationwide overpayment for prisoners could range from $8.75 million to more than $14 million.

LIBRARY OF CONGRESS

Noting that "the participation of ineligible individuals undermines the credibility of the Food Stamp Program," the report stresses that simple computer checks of food stamp lists and prison population data are a cost-effective means of reducing overpayments.

Limp Litigation

By Michael W. Lynch

So-called consumer litigators, like most car manufacturers, have developed distinct and lucrative product lines. Surfing the Web, one can find a cyberlaw

page that lists lawsuit lines like Baskin & Robbins lists its 31 flavors: Mass Torts, Asbestos, Silicone Breast Implants, Agent Orange, Dalkon Shield, Bjork-Shirley Heart Valves, Tobacco, and Medical Malpractice. Soon there may be another addition to the menu: Penile Implants.

"Penile Implant Failures: You May Be Entitled to Compensation...Free Consultation—Strictest Confidence," blared an ad in the February 14 *San Francisco Chronicle*. There was, of course, an 800 number to attorney Lewis Saul's office in Washington, D.C.

Between 10,000–15,000 penile implants were inserted last year, usually into men who had problems performing sexually due to vascular problems or diabetes. One type of implant is a multipart device, consisting of a tube, a reservoir of saline, and a pump to force the saline into the tube. Saul claims these parts sometimes leak, leading to medical problems for his more than 300 clients. He says he has cases pending against two manufacturers: American Medical Device Systems and Mentor Corp.

Douglas Altschuler, Mentor's chief counsel, knows of Saul but says the company isn't being sued by him at the moment. Altschuler says Saul has tried to get money from Mentor in the past but has never been successful.

Still, penile implants may be too compelling a target for trial lawyers to pass up. Considering that most men who receive them are suffering from some vascular failure, they are bound to have some health problems in the future which lawyers will try to link to the implant.

"If you put a new transmission in a 20-year-old car, it is not the transmission's fault if the engine fails," reasons Altschuler. So far, the courts have agreed. But rest assured, Saul has assembled expert witnesses to testify otherwise.

DATA

Electrifying Possibilities

By Ed Carson

Natural gas, long distance phone service, airline, trucking, and rail have more in common with each other than one might suspect. All five are network industries, "producing some kind of product that must move along some form of infrastructure," says Jerry Ellig, an economist with the Center for Market Processes. And all were deregulated in the late 1970s and 1980s, resulting in substantial price reductions.

A new study by Ellig and Robert Crandall of the Brookings Institution estimates that opening up these sheltered industries to competition saves customers close to $60 billion annually. Airfares fell by nearly a third in real terms between 1977 and 1987. Rail rates fell by 44 percent in the 10 years after deregulation.

And these price drops occurred without any reduction in the quality of service. Instead the authors found that the deregulated industries expanded consumer choices and encouraged innovation, such as the hub-and-spoke airline system.

The success of these earlier deregulatory measures holds lessons for another network industry—the retail electricity market. "Policymakers concerned about consumers should open electric service to competition, deregulate rates, and promote consumer choice as quickly as possible," the authors conclude.

Price Reduction Following Deregulation (in 1995 dollars)

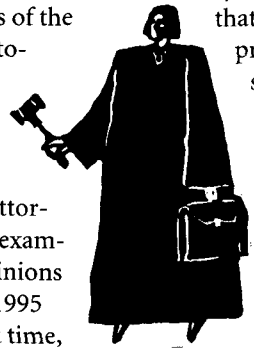
Industry	Real price reduction after 2 years	5 years	10 years	Annual consumer benefits (in billions)
Natural gas	10–38%	23–45%	27–57%	not available
Long distance telecom	5–16%	23–41%	40–47%	$5.0
Airlines	13%	12%	29%	$19.4
Trucking	not available	3–17%	28–56%	$19.6
Railroads	4%	20%	44%	$9.1

Source: *Economic Deregulation and Customer Choice: Lessons for the Electric Industry*, Center for Market Processes, George Mason University

Judging Justices

By Rick Henderson

In recent years the Supreme Court has appeared to suffer ideological schizophrenia, simultaneously upholding *Roe v. Wade*, striking down congressional term limits, and overturning government affirmative action programs. Pundits may throw around such terms as *conservative* or *centrist* to describe the current Court, but the Washington, D.C.-based Institute for Justice has attempted a more systematic analysis of the justices' attitudes toward individual liberty.



Institute Vice President Clint Bolick and Staff Attorney Scott Bullock examined dozens of opinions from the 1993 to 1995 terms; during that time, eight of the current nine justices have been on the court. (Associate Justice Stephen Breyer joined in 1994.) Their study, "State of the Supreme Court: The Justices' Record on Civil and Economic Liberty," identifies "26 cases that presented the Supreme Court with issues of fundamental individual liberties and the proper limits of government power." Among the issues the Court examined in these cases were asset forfeiture, cam- ▶

BRICKBATS

central to their job. Firefighters, for instance, have gotten paid for injuries suffered while playing softball and volleyball. One firefighter was even struck down while playing badminton.

♦ John Sturdivant, president of the American Federation of Government Employees, circulated a memo to union members asking them to identify career federal bureaucrats who deserve either commendation or punishment. He indicated the names would be passed on to the Clinton administration's transition team. Four years ago, he sent Housing Secretary Henry Cisneros a list of 13 agency managers, claiming they might block Cisneros's agenda. All but two of those were reassigned, were given fewer responsibilities, or left the agency.

♦ As France goes, so goes, well, Turkey. The Turkish government is cracking down on the use of English. Under a new law, businesses will be forced to use Turkish names instead of English names. And broadcasters who use English will be banned from the airwaves.

♦ Also in Turkey, parliament deputy Sevki Yilmaz tried to put into perspective a recent sex scandal involving leaders of an Islamic sect and their female followers. "You are focused on the life of a young woman who has entered a sect, while there are 2 million prostitutes in Turkey." This would make one out of six Turkish women between the ages of 14 and 44 prostitutes.

—Charles Oliver

paign spending limits, commercial speech, punitive damages in civil lawsuits, and voting rights. As a concession to the conventional wisdom, Bolick and Bullock separated cases that involved questions of civil liberties from those involving economic liberties. They then determined whether the Court's decision in each case supported individuals or the state.

In 19 cases, or 73 percent of the time, the Court backed individual liberty. Yet, notes the study, "the Court is precariously balanced." Eleven of the pro-liberty rulings (and four of the cases that were anti-liberty) were decided by a 5-to-4 vote. The most libertarian member of the Court is Anthony Kennedy, who sided with individuals in 22 of the 26 cases. The two Clinton appointees, Ruth Bader Ginsburg and Stephen Breyer, were the least likely to defend individual liberty. Ginsburg voted against the government only 10 of 26 times; and of the 20 cases in which he was involved, Breyer cast only seven pro-liberty votes.

Bolick calls the current lineup of justices "the best Supreme Court from a libertarian perspective we have seen in our lifetime. But the shift of one vote could lurch the Court abruptly from [its] pro-liberty perspective." With rumors abounding that Associate Justice Sandra Day O'Connor (77 percent pro-liberty) and Chief Justice William Rehnquist (58 percent) may retire before the end of Bill Clinton's second term, Bolick says, "very much is at stake" in the choices the president may make to fill any vacancies.

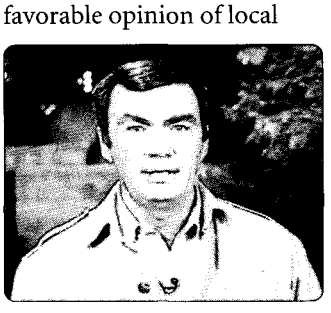
Tough Beat

By Nick Gillespie

Americans increasingly see the national media as "unfair, inaccurate, and pushy," says a recent survey conducted by the Washington, D.C.-based Pew Research Center for the People & the Press. Two-thirds of respondents believe news organizations favor one side when covering social and political issues; 56 percent said stories and reports are "often" inaccurate; and about six out of 10 said the press unnecessarily invades people's privacy.

Such a negative characterization helps explain the slide in viewership of network news: Only 40 percent of respondents said they watch network news shows on a regular basis, down from about 60 percent in 1993. The favorable rating of national newspapers has also slipped, from 48 percent in 1985 to 41 percent.

The bad feelings toward national media are offset somewhat by continued regard for local news: Eight out of ten respondents had a favorable opinion of local news broadcasts, roughly the same as in 1985; 74 percent had a favorable opinion of local



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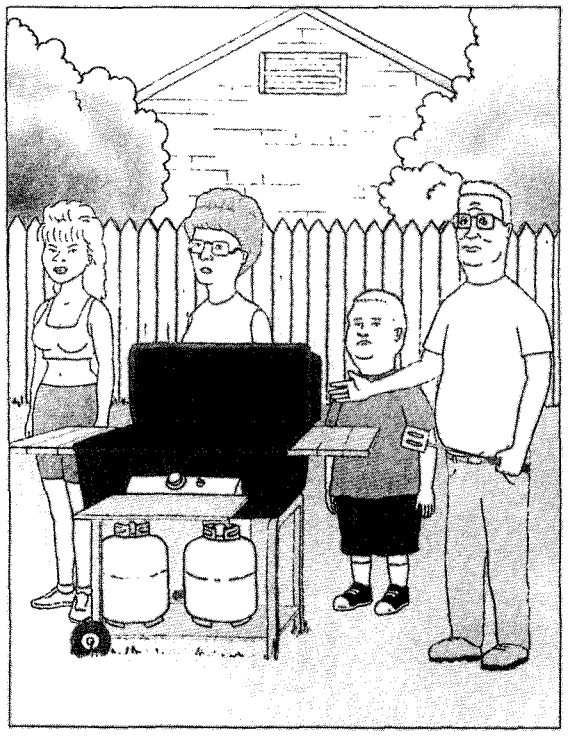

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Localized Laughter

Mistakes because some people know what others don't have long been a motivating force behind TV sitcomedy. A new cartoon sitcom on the Fox Network, *King of the Hill,* also grapples with dispersed knowledge and inevitable error and manages to be not only funny but positively Hayekian.

King of the Hill's central characters—the Texan Hill family of dad Hank, his wife Peggy, and son Bobby—are decent people often running afoul of a consistently mistaken government. In the premiere episode, an aggravatingly effete, overeducated know-it-all of a social worker tries to take Hank's son away from him because Hank occasionally gets cross with the wayward boy. The social worker's ignorance of the actual dynamics of this real, specific family leads him to temporarily ruin it. The normally polite youngster becomes a terror when he realizes old dad can't discipline him at all without risking the state's taking him away.

In a later episode, hysterical enviros and park rangers hound Hank and son when they mistakenly think the boy has killed a rare whooping crane. Both plots portray modern government and statist busybodies as jumping to wrong conclusions, straight into error. Hayek couldn't have expressed the problems with state intrusion in areas of inherently localized knowledge and necessary ignorance any better.

—Brian Doherty

daily newspapers, down slightly from 12 years ago.

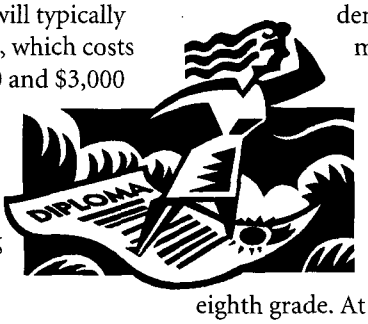
The survey, which drew on a nationwide sample of over 1,000 adults, was conducted in February. Full results can be found at the Pew Research Center Web site (www.people-press.org).

Jailhouse Education

By Michael W. Lynch

It is quite common for prisoners, who after all have time on their hands, to take advantage of their new home's library and get a "jailhouse education." This is how such famous cons as Malcolm X and the Birdman of Alcatraz schooled themselves. But in Providence, Rhode Island, two doctors who work with incarcerated women are putting a new spin on this old institution: They plan to give private school scholarships to their patients' children.

Rhode Islanders Sponsoring Education is the name of the new "go to jail, pass to private school" plan, which will send 20 fifth-graders to at least three private schools next year. The money is entirely privately raised. Individual donors will typically sponsor a child, which costs between $1,500 and $3,000 each year. In addition, they are encouraged to provide mentoring and guidance for their child.



Founders Drs. Kevin Vigilante and Timothy Flanigan modeled RISE on Student Sponsor Partnership, a New York program founded by Flanigan's father, a Wall Street investment banker. SSP provides kids from New York's worst high schools, where a mere one in five students graduate, with the opportunity to attend a parochial school. In a decade, SSP has served more than 1,000 kids. More than eight in 10 graduated from high school; three out of four attended college.

RISE's wrinkle is that they intend to intervene early, in the fifth grade, and serve students whose mothers are either drug addicts or in jail. RISE will pay the students' tuition through the eighth grade. At high school, students will be able to compete for scholarships or attend some of the better public schools. RISE hopes to support 20 children next year, 25 in 1998, 30 in 1999, and 35 in 2000, for a total of 110 in the program. Having already raised $180,000 and assembled a team of 20 sponsors and five volunteers, RISE is well on its way to meeting its goals.

Megan's Flaws?

By Brian Doherty

In 1994, after 7-year-old Megan Kanka was killed by a convicted sex offender living across the street, New Jersey passed a law requiring sex offenders to register with local police and instructing local officials to inform communities when sex offenders are living among them. Similar statutes, known as "Megan's Laws," have been adopted in at least 40 states. And last year Congress passed, and President Clinton signed, a law requiring states to pass such community notification laws or risk losing federal funds.

But the laws have unexpected implications. Consider California, whose 1996 Megan's Law requires creating a CD-ROM database of convicted sex offenders, available to the public. (The state has had a registry of sex offenders since 1944.) ▶

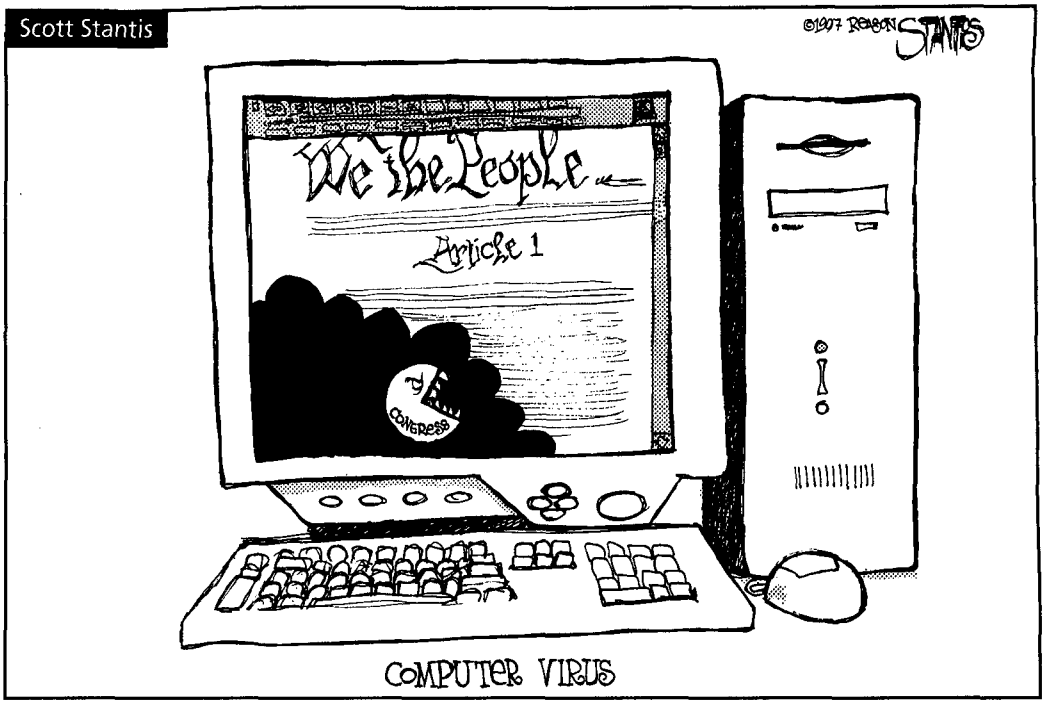
QUOTES

"It is somewhat ironic that the government discourages smoking and drinking through taxation, yet when it comes to the major cause of death —heart disease—and its spiraling health-care costs, politicians let us eat with impunity....[W]e should have a progressive tax on the saturated-fat content of food....[W]e believe it is time to rethink the extent to which we allow people to impose their negative behavior on those of us who watch our weight, exercise, and try to be as healthy as possible."
—Jack A. Chambless, a professor of economics at Valencia Community College, and Sarah C. McAlister, an economics major at the University of Central Florida, in the *Orlando Sentinel*, December 22, 1996

"Our vision is that the U.S. and China, as friends and partners, will share a prosperous and peaceful future of free minds and free markets."
—Al Gore at Qinghua University, March 26, 1997

"TIME should be America's common ground. ...Our ideals must reflect the shared values in the hearts of most Americans. To my mind, these principles are simple yet profound: try to figure out what's best for our kids; clean up after ourselves; have faith in the power that comes from free markets and free minds...."
—Walter Isaacson, managing editor of *Time*, in his first "To Our Readers" column, January 15, 1996

Scott Stantis



The *Los Angeles Times* reports that this new database is turning up many ancient cases of men arrested for consensual gay sex in public or semi-public places, some of them youthful experiments of men who went on to long married lives. One man, arrested in 1944 for touching the knee of another man in a parked car, was surprised when his wife collected the mail containing an envelope, stamped "sex crime" in red ink, telling him he needed to register as a sex offender. Many of these men are going through humiliating confrontations with long-forgotten aspects of their past, and complicated and expensive legal maneuverings to get themselves off the list.

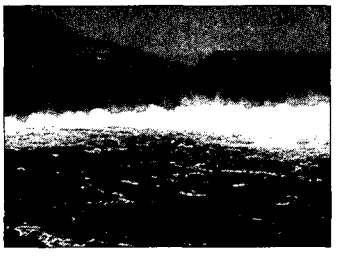
"It's a real concern," says Suzanne Goldberg of the Lambda Legal Defense Fund, which works on legal issues involving gays. "These laws have the potential to sweep in more people than they should. Laws requiring registration of people engaging in consensual sex are far beyond the pale. Those requirements can have devastating effects on people's lives."

Water World

By Nick Gillespie

While water doesn't come free, it does come cheap—especially to farmers, ranchers, and other special-interest groups who successfully lobby for heavily subsidized rates. As Terry L. Anderson and Pamela S. Snyder document in "Priming the Invisible Pump," a recent publication by the Political Economy Research Center, throughout the world revenues from agricultural users "barely cover 10 to 20 percent of water project construction and operating costs."

Such subsidies are rampant in the United States. In



1993, for instance, Congress authorized the Central Utah Project, a series of dams, aqueducts, tunnels, and canals that will collect water from the Colorado River and deliver it to Utah's Great Basin. "The project will deliver water to irrigators at a cost of roughly $400 per acre-foot," write Anderson and Snyder. "The additional crops produced with the water make it worth about $30 per acre-foot to Utah farmers. But they will only pay $8 per acre-foot."

The days of heavily subsidized water may be numbered, however. Although water projects are "extremely well suited to pork barrel politics," the authors see signs of a trend toward markets in water. Water "banks," in which users can "deposit" excess capacity, and other market-oriented pricing mechanisms have sprung up in a number of Western states in the United States, as well as in Australia, Germany, France, and Chile.

Anderson and Snyder note that the interest of market

forces in water is largely the result of market forces in politics: "As current fiscal and environmental constraints make it more difficult to find new sources of supply, government agencies are being forced to consider raising water prices."

Credit Cards

By Rick Henderson

Last year's welfare reform bill, which placed limits on how long people could receive assistance, left many asking if welfare recipients would be able to find jobs once their benefits ran out. The Clinton administration has proposed making welfare recipients more attractive to potential employers by offering a $300 million Welfare-to-Work Tax Credit, an incentive for businesses that hire people who were once on the dole.

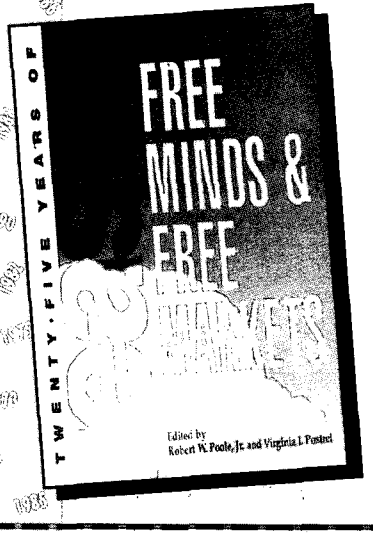
A March study by the congressional Joint Economic Committee suggests, however, that the WWTC would differ little from the Targeted Jobs Tax Credit. That was an unsuccessful attempt in the 1970s to entice businesses with tax credits if they hired the chronically unemployed.

The proposed WWTC would offer a tax credit of 50 percent of the first $10,000 in wages and some fringe benefits paid by any firm that hires a person who had received Aid to Families with Dependent Children, food stamps, or general assistance for at least 18 months. The company could claim the credit for the first 180 days or 400 hours that person was on the payroll.

While the WWTC would target only long-term welfare recipients, it is structured much like the Targeted Jobs Tax Credit, which from 1978 until 1994 offered businesses tax credits if they hired Vietnam veterans (disabled or not), recipients of Supplemental Security Income, ex-felons, low-income teenagers, and short-term welfare recipients. A 1995 Congressional Research Service study concluded that the TJTC "helped relatively few members of its eligible population get jobs." And the jobs offered were often of the short-term, subsidized variety "which could not have afforded [employees] much chance to acquire the skills and experience that might qualify them for unsubsidized jobs."

CRS study author Linda Levine also noted that targeted tax credit programs tend to be zero-sum games. Receiving a tax credit doesn't entice employers to create new jobs; instead, they often lay off marginal workers who don't qualify for the tax credit and replace them with unemployed people who do.

As a consequence, concludes the Joint Economic Committee report, welfare recipients may displace workers who have refused to take public assistance and encourage people who would otherwise leave the welfare rolls to stay on them long enough to qualify for the tax credit. Rather than targeted tax credits, the JEC encourages more broad-based tax relief for businesses "so they can create new jobs for welfare recipients without sacrificing productivity or displacing other needy workers."



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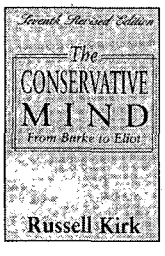

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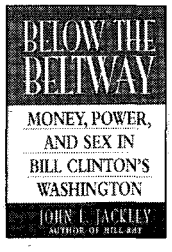

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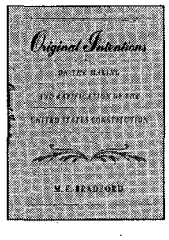

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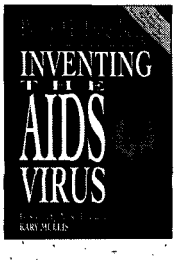

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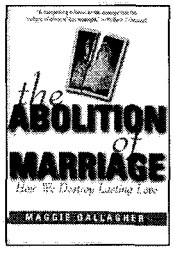

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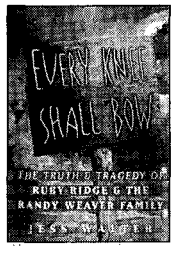

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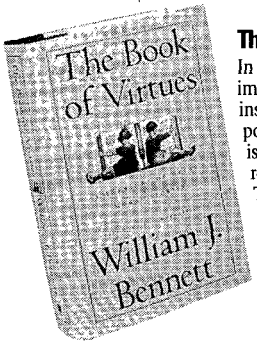

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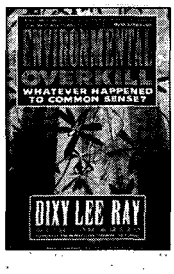

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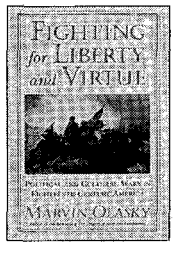

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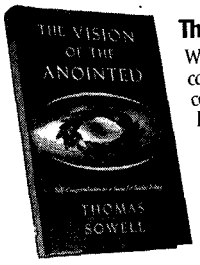

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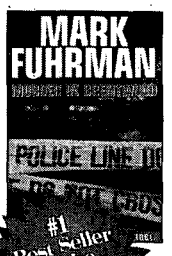

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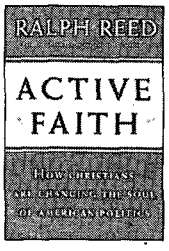

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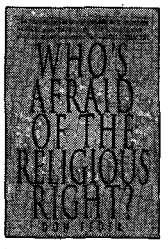

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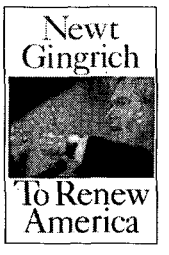

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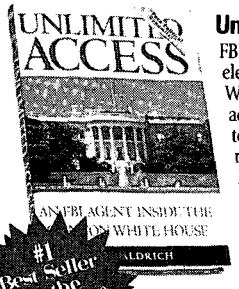

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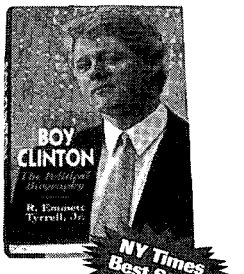

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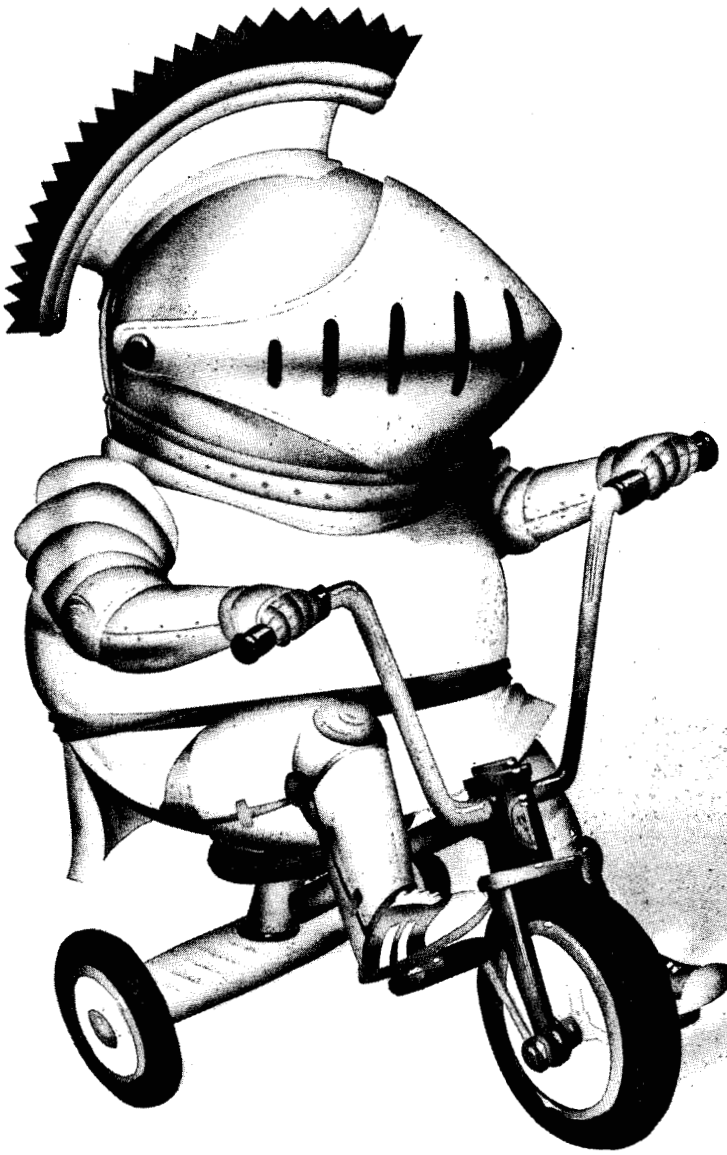

Child-Proofing the World

By Nick Gillespie

By almost every measure, children are doing better than ever. Why all the anxiety? And where will it end?

About a year ago, early on a Saturday morning, I walked out into the courtyard of my apartment building in Los Angeles to pick up the newspaper and received an impromptu education about contemporary childhood. My 11-year-old neighbor was getting set to embark on a quintessential kid activity: riding his bike. I waved hello and stared transfixed at the boy's elaborate preparations. First, he shimmied a set of hard-plastic and soft-cushion pads over his sneakers. He worked them up his shins and positioned them carefully over his knees for maximum protection. He did the same with a pair of elbow pads, flexing his arms to make sure the fit was right. Then came the gloves, thickly padded on the palms and across the knuckles. Finally, he picked up the helmet,

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adjusted it on his head, strapped it down across his chin, and rapped on it once (for luck, I suppose).

As he peddled off in his body armor, his father appeared, coffee mug in one hand. "You be careful," he called after his son. And then the father, who like me is in his 30s, turned my way and added, somewhat sheepishly, "I remember riding my bike barefoot in the rain. Things sure are different nowadays with the kids."

About six months ago, I received another unscheduled lesson in contemporary childhood (or, more precisely, contemporary parenting). My wife and I had moved to a small town in southeast Texas, and I was dropping our 3-year-old son off for the first time at his new day care center. As I started out of the U-shaped driveway, I saw something that made me hit the brakes so hard I almost cracked my head against the windshield: A car pulled into the driveway with a toddler jumping up and down in the passenger seat of the automobile; in the back seat, I saw another unbelted child climbing the upholstery. *What the hell kind of parent would allow such a thing?* I wondered for a second before the answer came to me: my mother, my father, and every other parent I knew growing up during the '60s, '70s, and early '80s.

Things sure *are* different nowadays with the kids, and in a most puzzling way. By most standards, the vast, overwhelming majority of American children are doing better than ever. With some notable, insistent, and tragic exceptions, indicators such as mortality and accident rates, life expectancy, and educational attainment all suggest that the kids are more than all right. In fact, they are flourishing, brimming over with the potential to live longer, to live better, and to be smarter than their parents (just as their parents outstripped *their* parents).

And yet, the national discourse on children—the way we talk about "the kids" and their future—describes a tableau of unremitting fear and trembling, a landscape marked by relentless risk and deprivation. Although apocalyptic rhetoric in general has diminished in recent years—overpopulation, nuclear war, global warming, and the like just don't pack the same wallop they did in years past—the air remains thick with stories of how children must be protected from a world that is conceived largely as a malevolent presence that seeks only to hurt them, a sort of Mad Max environment for the younger set.

While not exactly new, this trend has been intensifying over the past two decades or so, lurching from isolated scares about poisoned Halloween candy in the 1970s and child abduction in the 1980s to a generalized calculus that places perceived harm to children at the center of seemingly every discussion. The tendency is ubiquitous enough to be fair game for parody. On *The Simpsons*, for instance, one character routinely asks at any public gathering, "What about the *children*?" It is not coincidental that the rise of such attitudes to cultural dominance occurred as the baby boom generation—that gargantuan cohort born between 1946 and 1964—shifted into parenting mode and started to grapple with the most unfamiliar role of authority figure. While it is unclear what effect this may have on the kids themselves—Will they respond to doomsday scenarios by shrinking from the world or by becoming what-the-fuck nihilists?—one result has been a gradual shifting of the costs of raising children onto wider and wider swatches of society, and not merely in dollars: If kids have access to TV, for instance, then all programs must be made child-safe.

The threats are everywhere, we are told: If children are not hounded by ritual satanic child abusers at day care or by perverts on the Internet, then they're sucking in too much asbestos at school, or chewing on too much lead at home; if television, purportedly the babysitter of choice in the overwhelming majority of American homes, hasn't transformed kids into underperforming, slackjawed dullards, it has overstimulated them into feral children who must be tamed with Ritalin and Prozac; if we haven't failed the kids by not spending unlimited amounts of tax money on them, then we have transformed them into shallow consumers who can only measure affection in terms of dollars spent; if they're not at elevated risks of brain cancer from eating hot dogs, then they're likely to become punch-drunk from heading soccer balls; and on and on.

Interestingly, such stories tend not to focus on the kids who may truly be most at risk, such as impoverished children in the inner city or rural outposts. Instead, the tendency is to paint with a broad brush, to talk about that great hypothetical abstraction, "middle-class America." As Hillary Clinton put it in last year's *It Takes A Village and Other Lessons Children Teach Us*, "Like many parents, I feel there is much to worry about when it comes to raising children in America today....Against this bleak backdrop, the struggle to raise strong children and to support families, emotionally as well as practically, has become more fierce." It doesn't matter if you're in the first income quintile or the fifth: We're all in this bleak backdrop together.

This is hardly a hobby horse the First Lady rides alone. Judging from national polls and random conversations, her feelings are widely shared. "Yeah, I'm really worried about raising my kids," a college friend with two pre-teen girls tells me. "Everything's out of control: drugs, schools, college costs." I try reminding him that he himself first smoked dope at age 15 and that his and his wife's combined income—somewhere around the $100,000 mark—should let them be good providers, but he cuts me off: "No way, it's totally different now. Do you know how *much* college costs? Have you *seen* the kids today? Do you hear the music? They're out of control," he says, forgetting for the moment his early-'80s penchant for humming Sex Pistols lyrics such as, "I am an anti-Christ, I am an anarchist, don't know what I want, but I know how to get it" and "God save the Queen, she ain't no human being....No future for *you*!"

We are suckers for tales of decline. Most of the fears and worries regarding children, however, are less based on shared experience and more the result of relative affluence, indiscriminate risk assessment, and a generational solipsism that seems particularly acute in baby boomers. The first generation to "discover" alienation, rebellion, sex, and drugs has been painfully slow to recognize recurrent truths: that parenting is an awesome and fearsome experience, that your children grow up speaking a foreign language, that youth culture is always precisely calculated to maximize disgust in parents.

It is, of course, always worth paying attention to the particular

ways in which children and childhood are discussed. That's because on one level, children simultaneously incarnate both vulnerability and the future—they are, in that most threadbare of clichés, the "leaders of tomorrow." More than that, they are relatively clean slates that must be etched in properly. As such, they are the repository of parental and societal aspirations and anxieties; they function as a sort of communal ink-blot test upon which adults project their own hopes and fears. On another level, kids represent the cutting edge of public policy. As concerns about children get translated into policy, the tendency almost invariably is to centralize and to consolidate power in fewer hands in hopes of eliminating all risk, of sweeping away broken glass from any place where small feet might tread: If something can hurt (or help) one child, it makes sense to ban (or extend) it to all children. A parallel impulse is to expand the reach of policy (how else to child-proof the world?), even while trying to place it beyond the scrutiny of reasoned analysis. Invoking "the children" is the rhetorical equivalent of zipping yourself into a Kevlar suit: Only a heartless bastard would dare question the efficacy or efficiency of programs for the kids.

Welcome to what might be called the Buddhafication of American children. Not long after the birth of my son a few years back, I realized that the legend of the Buddha was, in a very real way, about parental anxiety. Siddartha—the Buddha—is born to a wealthy, doting king who seeks to keep his son from experiencing the world as it actually is in it all its variety, its richness, and its poverty. To that end, the father builds a huge, extravagant walled palace around the child and never lets him leave the grounds. "The king was anxious to see his son happy," goes one telling of the tale. "All sorrowful sights, all misery, and all knowledge of misery were kept away from Siddartha, for the king desired that no troubles should come nigh to him."

One doesn't need to be a parent to sympathize with the king and understand his motivation: He only wants his child to be untroubled by the harshness, the difficulties, the indifference of the wide, wide world. As a society, we are following his lead. We, too, are wealthy and, we, too, desperately (and understandably) try to wall our children off from everything that is harsh and ugly in life. We, too, are raising little Buddhas whom we believe face unprecedented and ubiquitous threats.

Risks that were once taken for granted have now become plainly intolerable and have fueled any number of "common-sense" policies passed during the past decade or so. Hence, the removal of asbestos from school buildings (more than $10 billion spent over the past decade, with $20 billion more already in the pipeline); more and more efforts to educate school kids about drugs; mandatory bicycle helmet laws for kids (adopted by more than a dozen states); the V-Chip and television ratings; increasingly elaborate sports safety equipment; proposed Federal Aviation Agency guidelines requiring separate seats for children under 2 (who can currently share an adult's seat); and government plans for a "universal" child's car-seat attachment harness that, as White House spokesman Mike McCurry put it, will at last ensure that parents can "get the little thingy in through the back and get it stuck into the little deal that goes in the side."

Such policies are of a piece with discussions that see environmental, sociological, and even neurophysiological dangers everywhere. *Redbook* warns about "Bullies: The Big New Problem You Must Know About." "There have always been tough boys and girls who pick on other kids," reads the story. "But it's the '90s, and the bullies have become more dangerous." (Despite the threat-filled language, the piece is pointedly *not* about gun- or knife-wielding teens; rather, it focuses on a child taunted about his ears.) The subtitle of Barbara Dafoe Whitehead's *The Divorce Culture*, a book based on her widely discussed 1993 *Atlantic* article, "Dan Quayle Was Right," indicates "how divorce became an entitlement and how it is blighting the lives of our children." In a "special report" on "How a Child's Brain Develops," *Time* frets, "Too many children today live in conditions that threaten their brain development. What can we do?"

As the *Time* reference suggests, the endpoint of these discussions is often an implicit call to public action: What can *we* do? "Is your playground safe?" asks *Parents* magazine in a recent article that notes, "More than 267,000 children will sustain playground-equipment-related injuries this year....A number of children will even die as a result." Later, the story suggests that "one reason for the safety problem is that there are no federally mandated playground-safety standards."

Other times, the call to arms is explicit. In 1995, the Environmental Protection Agency and the Department of Health and Human Services proclaimed lead the top "environmental disease of children, affecting at least 10 percent of preschoolers" and responsible for behavioral problems ranging from attention deficit disorder to juvenile delinquency. The Centers for Disease Control, which has called lead poisoning the "most common and societally devastating environmental disease of young children," has issued guidelines supporting universal lead testing of all children, regardless of risk factors. (The threat from lead was a truly unprecedented risk. As Ellen Ruppel Shell pointed out in *The Atlantic*, "To get to the 'one out of ten preschoolers' figure, regulatory agencies now deem as 'poisoned' children whose lead-to-blood ratios fall between 10 and 25 micrograms per deciliter"—levels considered acceptable in 1990. Children in the 1960s, Shell notes, averaged more than 20 micrograms.)

Less-journalistic analyses are no less hyperbolic and wide-ranging. "The present state of children and families in the United States represents the greatest domestic problem our nation has faced since the founding of the Republic," warns Cornell University psychologist Urie Bronfenbrenner. "Childhood is beginning to seem downright grim," write Joanne Barbara Koch and Dr. Linda Nancy Freeman in *Good Parents for Hard Times: Raising Responsible Kids in the Age of Drug Use and Early Sexual Activity* (1992). "In the back of every parent's mind is the realization that one mistake made by their children can be fatal. ...One impulsive sexual encounter with a person with AIDS can lead to death. One 'experiment' with highly addictive crack can suddenly pull a young person into committing desperate crimes —a way of life that is a living death. One vehicle accident under the influence of alcohol...."

There is, of course, some truth in such statements: One mistake can end a child's life—a thought that is indeed ever-present

in parents' minds. But, in a common move, Koch and Freeman discover potential mortality as an ominous *new* development. What actually is different today is the decreasing likelihood of such an event, as the author's own examples suggest. Between 1980 and 1989, for instance, arrests for 16- and 17-year-olds for driving under the influence dropped 24.7 percent. It is extremely rare for kids to "experiment" with crack at all, much less become regular users. Indeed, according to government statistics, in 1995, only 0.8 percent of kids between 12 and 17 reported past-month use of the far-larger category of cocaine (compared with 1.5 percent in 1985). The rate of increase of AIDS cases among children has been slowing; as important, unlike child-killing diseases of the past, AIDS can be largely prevented through relatively simple behavior modification.

Such trends might be cause for celebration, or at least a brief sigh of relief. But reductions in risks to children seem only to fire the imaginations of those who see ruin as imminent. In the 1992 revised edition of Dr. Spock's *Baby and Child Care*, by far the most influential child-rearing manual over the past 50 years, Spock and co-author Michael B. Rothenberg see the unprecedented sadness and malaise they claim is affecting children as part of a larger assault on civilization itself. The roots of this assault are only hinted at, but seem to encompass almost every social trend since the Industrial Revolution allowed people the luxury of worrying about their quality of life.

In a section called "Raising Children in a Troubled Society," they write, "American society in the 1990s is extraordinarily stressful. Normal family tensions are heightened in many ways: Our society is excessively competitive and materialistic; many working parents find less satisfaction and pleasure at their jobs while the good day care they depend on becomes harder to find; there is less spiritual and moral direction compared to the past; the traditional supports of the extended family and community are breaking up; and a growing number of people are concerned about the deterioration of the environment and international relations." This vague jeremiad (what does it mean to be "excessively" competitive or materialistic?) has a timeless air about it: When hasn't the world been running down, becoming more secular, less traditional, or been anything other than "extraordinarily stressful" compared to an implied golden age? "We live in a disenchanted, disillusioned age," they write elsewhere, rounding out a list of grievances that have been perennial since the dawn of history by invoking an ostensibly contemporary trend that dates back to 1960s-era "black humor": "Even greeting cards, instead of wishing invalids and relatives well, jeer at them."

Not surprisingly, such sentiments get even more overheated when expressed by lobbyists and policy makers. The introduction to *Baby and Child Care*, for instance, contains a plug for the Children's Defense Fund, perhaps the most influential child advocacy group in the country. In *Guide My Feet: Prayers and Meditations on Loving and Working for Children*, CDF head Marian Wright Edelman speaks the language of crisis and emergency—and, by implication, ever-greater collective action—to salvage that ultimate public good: children. She invokes a biblical king remembered for his proclivity toward infanticide: "Herod is searching for and destroying our children, pillaging their houses, corrupting their minds, killing and imprisoning the sons, orphaning the daughters, widowing the mothers," writes Edelman. "Herod's soldiers are everywhere, in government, on Wall Street, in the church house, schoolhouse, and moviehouse. Lead us and our children to safety." Drastic times call for drastic measures.

Parenting is inherently anxiety inducing: Children are impossibly soft, the world indifferently hard. And, despite knowledge transmitted from generation to generation, parenting is always learned anew. It's different when it's <u>your</u> child, and the urge is to emphasize both the softness of the child and the hardness of the world.

Although Edelman has reportedly had a falling out with the Clinton administration over last year's welfare bill, it's clear that at least one resident of the White House still thinks along similar lines. In arguing that "everywhere we look, children are under assault," Hillary Clinton outlines the culprits: "from violence and neglect, from the breakup of families, from the temptations of alcohol, tobacco, and sex, and drug abuse, from greed, materialism, and spiritual emptiness." These problems, the First Lady suggests, "are not new, but in our time they have skyrocketed." It is an interesting progression—from conceivably measurable social facts to long-standing human urges to unprovable commentary on contemporary mores. Given that the end of the century looms large, we can perhaps forgive such millenarian fervor—problems are *skyrocketing*!—but we need not embrace it as a basis of public policy.

Indeed, such notions are wrong on two very basic counts: First, despite a nod to historical context, they ignore the tremendous progress in child well-being over the past 100 years. Second, they generalize risks for specific subgroups to children writ large.

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Consider a fairly representative family history: When my grandparents were born in Europe near the end of the 19th century, a fair question was whether they would survive their first few years of life. By the time my parents were born in America a quarter-century later, the question was whether (or when) they would contract polio or some other life-threatening, debilitating disease. When my siblings and I were born toward the end of the baby boom, the question was whether we'd have our own bedrooms. When my own child was born a few years ago, the question was which college he would attend.

Encoded in the sharply diminishing seriousness of such questions is one of the century's great self-erasing success stories. In 1900, about 186 out of 1,000 children died before their 15th birthday. In 1950, that figure had been cut to about 35 per 1,000. By 1990, the number had dropped to about 10 per 1,000. Life expectancy at birth has risen from 47 years in 1900 to 68 years in 1950 to 75 years in 1990 (to a projected 77 years in 2000).

Educational attainment—which correlates strongly with income and other living-standard measures—has similarly booted upward. In 1970, about 52 percent of the population had completed four years of high school or more; in 1993, the figure was about 80 percent. In 1970, about 11 percent of the population had a bachelor's degree or more. Twenty-three years later, 14.5 percent had at least a B.A. The rate is higher still for younger age ranges—18.6 percent of people ages 25 to 34 had a college diploma.

These indicators track consistently across all racial and ethnic groups as well. In fact, despite lower absolute percentages, the rate of increase in life expectancy and educational attainment for black children—who are disproportionately poor—actually outstrips that of whites. In these very important ways, things are, on the whole, getting better for the overwhelming majority of children.

Even the one apparent major counter-trend of the past few decades—the percentage of children living below the poverty level—appears to have more or less stabilized during the past 15 years. In 1970, roughly 15 percent of children under 18 lived below the official poverty line. By the early 1980s, the rate had increased to about 20 percent, where it has remained, within a relatively narrow band of fluctuation. Of course, having one in five kids in poverty—or 1970's one in six—is nothing short of tragic. But there are also reasons to believe that the official statistics overstate the extent of poverty in the country. As Bruce Bartlett of the National Center for Policy Analysis has suggested, official poverty statistics tend to "obscure the true condition" of the poor not only by excluding non-cash benefits such as food stamps, school-meal programs, and housing allowances, but by failing to account for the poor's consumption levels, which are more than double their reported income.

Perhaps more important, the Consumer Price Index's overstatement of inflation has a huge effect on official poverty statistics. As the editors of *The American Enterprise* have pointed out, if the CPI has overstated inflation by 1.5 percentage points annually since 1967 (within the variance suggested by the recent Boskin Commission), there were 15 million poor—about 6 million of them children—in 1996, rather than the 38 million counted in official statistics. While poverty exists, it has at least been heavily mitigated and is not indicative of the typical child's lot.

Similarly, risks for children are in no way distributed evenly across the population. For instance, lead poisoning—rarer than ever today—is confined almost exclusively to poor children living in old housing stock. For all the talk of a crime wave perpetrated by and against juveniles, most of the increase in criminal behavior is focused on a relatively small section of the youth population: black males between the ages of 12 and 19. As Boston University's Glenn Loury has documented, black males are at least 25 percent more likely to be victims of crime than white males of the same age. The murder rate for black youths, already three times that of whites, doubled between 1986 and 1991. That such disturbing trends affect relatively few children is not a reason for us to breathe easy, but neither is it a reason to generalize or exaggerate risk.

By implying that the typical child is understimulated—and, hence, at risk of underdeveloped brain functions—*Time* suggests a widespread problem where there is none, says Jerome Kagan, a psychology professor at Harvard University who has done groundbreaking work on developmental issues. "If babies are not played with at all, if no one talks to them at all, they will not develop well. If they just lie in their cribs, with a bottle propped up, they will not develop well. That's a fact. Everybody knows that and no one denies it," says Kagan. "However, most infants—certainly most middle-class infants—get plenty of stimulation." Lack of interaction, according to Kagan, to the extent it is a problem at all, is generally concentrated among "poor women and adolescents who are having infants, the mother who doesn't read *Time*."

Talking about specific matters as broad-based trends compounds the often tragic nature of such problems by diverting attention, time, and resources from where they are most needed. Such "democratization of risk," however, is a common rhetorical strategy when it comes to competing for attention in the "social problems marketplace," says sociologist Joel Best of Southern Illinois University. In *Threatened Children: Rhetoric and Concern About Child-Victims* (1990), Best documents how advocates for missing-children groups promoted broader and broader definitions of child abduction, despite weaker and weaker evidence for the phenomenon. That's a tendency shared by most activists, regardless of issue or political persuasion. "Social problems claims-making is rarely static," writes Best. "Claims-makers are likely to offer a new definition, extending the problem's domain or boundaries, and find new examples to typify just what is at issue."

Perhaps the one trend that has significant negative effects on children is divorce. Divorce, like marriage, is an evolving institution. In the late 1960s and early '70s, many states liberalized their divorce laws, making it easier to dissolve marriages. There is a growing consensus that such legislation has failed to adequately protect the interests of the children involved, and it is likely divorce laws, at least where children are concerned, will be toughened.

Between 1970 and 1992, the divorce rate per 1,000 people

climbed from 3.5 to 4.8, where it has roughly stabilized. About 60 percent of divorces involve children. The economic effects of divorce are unambiguous, especially when the mother becomes the primary caretaker: somewhere between a 30 percent and 50 percent drop in income in the first year of divorce. It takes most divorced women and children at least five years to regain their predivorce standard of living (if they ever do), often through remarriage. Such divorce-driven dislocation ripples throughout children's lives: Compared with kids in two-parent marriages, they are one-third more likely to move (and they tend to move more often), they are three times as likely to be in poverty, and their mothers are likely to have increased their work hours significantly.

Depending on the level of animosity between parents, the psychological impact of divorce may well outstrip economic issues, especially in the short run. Adjustment patterns vary widely for both parents and children; not surprisingly, problems tend to be worse in ugly divorces. Problems are most intense for parents and children alike during the first two years following separation (psychologists speak of a "crisis period"). In response to divorce, children often become anti-social, disruptive, depressed, or withdrawn. "You lose a lot more than money when your parents split up," says a friend whose parents went through a particularly rancorous divorce when she was a teenager. "You lose a sense of connection, of security, of stability. It isn't easy to get that back. It sets you back years. That's what you lose ultimately: years of your childhood."

But, says the friend, "you end up working through it or moving on, more out of necessity than anything else." Most research confirms that, after the "crisis period," once routines are re-established, children from divorced parents tend to return to more or less normal development. It is hard to gauge the effects of divorce on children partly because it's virtually impossible to identify and study an appropriate control group of conflicted but intact families (some research indicates that children in highly conflicted but intact two-parent families fare worst of all children).

"Divorce, or the conflict that is usually a prelude to it, increases the risk to children of encountering problems later in life: dropping out of school, marrying and having children in the teenage years, and becoming divorced themselves. And whether or not they avoid long-term effects, children are likely to endure a wrenching period of upset and adjustment," write sociologists Frank F. Furstenberg Jr. and Andrew J. Cherlin in *Divided Families: What Happens to Children When Parents Part* (1991). Some solace can be taken from the fact that, despite heightened risks, "Studies based on nationally representative samples...suggest that the long-term harmful effects of divorce...occur only to a minority."

If things are not so bad for so many children, where do the stories come from? Harvard's Kagan sees the impulse as part of human nature. Today, he says, "there's less stress in a real, serious sense. But every generation of parents is anxious about their children. Every single one. And you always think yours is the most stressed."

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Kagan is at least partly right. Parenting is inherently anxiety inducing: Children are impossibly soft, the world indifferently hard. And, despite knowledge transmitted from generation to generation, parenting is always learned anew. It's different when it's *your* child, and the urge is to emphasize both the softness of the child and the hardness of the world. It is hard to strike a balance between protection and isolation, to clear a play space of sharp edges for your charges without sliding into the excesses of the Buddha's father. The tendency is to compare the responsibilities of being a parent to your own experience as a child—a misleading comparison. Things *were* different when you were a kid. First and foremost, *you were a child*, not an adult. Similarly, it is easy to forget that being a child and especially an adolescent is often intrinsically a difficult, frustrating experience.

But there are also a number of reasons why attitudes toward "the kids" have been intensifying over the past 15 years or so. These break down into three basic categories—economic, demographic, and psychological—all of which are related to developments in postwar America and all of which incline us to heightened concerns and fears about children.

In any generally wealthy society, it is common for each generation to tolerate less risk than the one before it. Hence, the progression from automobile safety belts to three-point harnesses, which are supplemented by driver-side airbags, then passenger-side airbags, then side-panel airbags, and so on. (The example of airbags underscores it is no simple march from absolute risk to absolute safety.) Economist W. Kip Viscusi and others have

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suggested that safety is essentially a "good" that we purchase. In general, the more money we have, the more safety we can buy. In this sense, the overall rise in income, compensation, and wealth over the past half-century allows and perhaps even predisposes us to buy more safety: We worry more about our children because we can afford to.

But it is not simply that we can buy more safety for our children. Not to put too fine a point on it, or to slip into unnuanced nostalgia for the good old days of nickel sodas and whooping cough epidemics, but kids cost more these days. Or, more precisely, we spend more on them—and not simply in terms of CD players, designer clothing, and sports equipment. Consider education, the importance of which has never been greater. As *U.S. News & World Report* noted in its 1996 college guide, "nearly 2 out of 3 of June's 2.5 million high school graduates are enrolling in some form of post-secondary education." To paraphrase Bacon, knowledge is opportunity, but in what *U.S. News* calls "The K-16 Era," such opportunities do not come cheap.

Kids have become more expensive in another way, too: There are fewer of them. The rate of births per 1,000 people was 24.1 in 1950 and 23.7 in 1960. By 1970, it had dropped to 18.4, reaching a low of 14.6 in 1975 and 1976. Throughout the 1980s, the rate crept up, averaging 15.8 and peaking at 16.7 in 1990 before subsiding once again (it was 16.0 in 1992). The trend toward fewer children—another correlate of increased wealth—will apparently be a long-term one. In 1995, children 17 years and under made up 26 percent of the overall U.S. population. The Census Bureau projects that figure to be 24.6 percent in 2010 and 23.9 percent in 2025 (the downward trend holds true at different levels for whites, blacks, Hispanics, and all other minority groups). Almost literally, we are putting fewer eggs in our basket. Psychologically and economically, we expect more from fewer children. And at the same time, we guard them all the more closely.

The trend toward fewer children intersects with baby boom demographics in an interesting way. What has led to "all these fears about kids was the aging of the baby boomers," says Gary Alan Fine, a sociologist at the University of Georgia who has studied risk attitudes toward children. As the boomers started becoming parents in force, their attention naturally focused on child-related issues. "Because it is such a large generation," says Fine, "the problems of the boomers have been taken to be *the* problems of society."

The boomers are anomalous for a number of reasons besides their sheer numbers: They tend to be better-educated and wealthier than their parents, predisposing them to greater interest in safety issues. Even more important, says Fine, the boomers grew up with an ideal of home life they found themselves hard-pressed to replicate as they became parents. The 1950s and '60s, he argues, represent a "unique" period in American cultural history because the model—if not necessarily the lived reality—was a relatively isolated suburban household in which the mother was a near-constant presence during childhood. A generation later, he notes, not simply dual-worker but dual-*career* households had become the new model. Because our parenting ideals come largely from our own childhood experiences, the difference in circumstances leads to heightened anxieties; we are uncomfortable with what we don't know. As parents choose to devote themselves to careers, at the expense of their ideals of childhood, the urge to child-proof the world makes more and more sense.

Another element of the boomers' upbringing that predisposes them to be particularly anxious about their children is what psychiatrist E. Fuller Torrey has called the "malignant effect" of Freudian psychoanalytic theory, particularly its emphasis on how early childhood experiences irrevocably shape (or warp) an individual. "I doubt there's been a time in history where there has been the obsession with child rearing that we have now," says Torrey. "Especially from the World War II era on, parents have had an inordinate fear that any little thing they do may permanently misshape their child's psyche." This fear is particularly intense in the boomers, the first generation fully raised under such a supposition.

In his 1992 book, *Freudian Fraud: The Malignant Effect of Freud's Theory on American Thought and Culture*, Torrey attributes this fear in large part to Benjamin Spock's *Baby and Child Care*. Spock, writes Torrey, "did more than any single individual to disseminate the theory of Sigmund Freud in America." Through the sale of over 40 million copies of his baby book and his writings in popular magazines, says Torrey, "Spock persuaded two generations of American mothers that nursing, weaning, tickling, playing, toilet training, and other activities inherent in childhood are not the innocuous behaviors they appear to be on first glance. Such activities, according to Spock, are psychic minefields that determine a child's lifelong personality traits, and maternal missteps on such terrain can result in disabling and irrevocable oral, anal, or Oedipal scars. Throughout his career Spock was deeply imbued with Freudian doctrine and in a 1989 interview he acknowledged, 'I'm still basically a Freudian.'"

Spock's vision of parenting, says Torrey, sends a disabling double message. Even as *Baby and Child Care* famously exhorts the parent to "Trust yourself—you know more than you think," it suggests that any parental misstep will have long-lasting, disastrous effects. The rise of such Freudian-inflected thought has, says Torrey, "made parenting much more difficult because of the generally accepted theory that—to exaggerate it a little bit—if you look at your child cross-eyed, your child will never be the same again."

Where Freudian-inflected thought stresses how "fragile" the psyche is, Torrey argues for its resiliency. Where Freudian-inflected thought stresses the parental role in personality development, Torrey makes a case for inborn temperament and a wider-ranging array of influences. An appendix to *Freudian Fraud* summarizes more than two dozen studies that attempt to substantiate a link between toilet training and personality traits and finds none (Freud hypothesized that botched toilet training leads to a number of possible "problems," ranging from homosexual orientation to paranoia to a fixation with order). Twin and adoption studies, says Torrey, suggest that "parents have much less effect on their children than we have been led to believe—or would like to believe."

Despite their lack of descriptive or predictive powers—Torrey notes that "except for grossly aberrant events, there is no evidence that the normal developmental events of childhood shape personality traits to any significant degree"—Freudian ideas have become deeply embedded into our culture, "integrated in a very general way." Indeed, we can read much of contemporary popular discourse on children as a sort of mass merchandising of Freudian theory: Since one incident—a bike accident, smoking a joint, a violent TV show—can have such deleterious effects on long-term development, we must be ever-vigilant. As with the young Buddha, "all sorrowful sights, all misery, and all knowledge of misery" must be avoided: The stakes are simply too high.

So, what if the concern for children today is less the product of actual threats and dangers and more an artifact of various unarticulated social forces? What if we are mistaking the inherent difficulties of parenting and childhood for an unprecedented assault upon all that is good, decent, and optimistic in the world? Where's the harm in waging total war on every possible risk facing children, real or imagined? After all, as a society, we are relatively rich, with the time and the energy to devote to making life safer for our charges.

One thing to recognize is that the law of unintended consequences is not repealed when it comes to kids; there is often a huge chasm yawning between stated goals and actual effects. Perhaps, then, it is not at all surprising that most experts agree that removing asbestos exposes students to higher risks than simply covering the stuff up. Or that past-month drug use among adolescents, still well below levels of 20 years ago, began its increase only after a decade of DARE and "Just Say No!" Or that the added cost of a plane ticket for an infant—representing a 50 percent fare increase for a family of three—might cause some parents to travel by car, a far riskier alternative to flying. Or that "soft" baseballs recommended by the Consumer Product Safety Commission actually weigh more than traditional hardballs, and according to sports doctors, apparently increase injuries. (See "Play [Regulated] Ball!," December 1996.)

Children—perhaps more than any other group—represent the no man's land where the private sphere blurs into the public, with all the attendant problems centralized decision making brings. Examples such as car seats and bike helmets suggest that what may be a good idea in the former is likely to become a mandate in the latter. Examples such as airbags and separate seats for infants on airplanes suggest that this is not always such a good thing. When it comes to setting policy, activists routinely use children as hostages, figuratively holding a gun to their temples and proclaiming that if some demand is not met, the kids will get it. It is hard to see how the shifting of more and more parental responsibilities—and costs—onto society at large will increase responsible behavior at any level.

At some point, the rate of return runs into the negatives in cultural terms, as well. What sort of message, we might ask, borrowing a favorite phrase of child advocates, does it send to paint the world in the most horrific terms possible, to see danger and disorder lurking everywhere? Do we best prepare our children for responsible, engaged lives by seeking to child-proof the world? What are the costs (to adults and minors alike) of thinking of our children as little Buddhas who must at all costs be prevented from living in the world they will one day inherit? Will kids imbibe such an ethos and respond by shrinking from the world in all its dangers and opportunities alike, seeking first and foremost to avoid the confrontations, negotiations, and possibilities entailed by a robust life? Or will they rebel against overprotection and take more and more unmeasured risks? Perhaps a harbinger of the second response is the rising popularity of extreme sports and increases in teen smoking (still far below 1980 levels). Whatever happens, it seems likely that extremity will breed extremity.

Children—perhaps more than any other group—represent the no man's land where the private sphere blurs into the public, with all the attendant problems centralized decision making brings. Do we best prepare our children for responsible, engaged lives by seeking to child-proof the world?

The Buddha's story may be instructive here, too: Despite his father's desires, he insists on seeing the world beyond the palace walls. The king finally relents, but secretly orders his servants and subjects to spruce up the tour route, to hide poor people, sick people, and old people, to create a scene bereft of physical decay or human misery. The attempt fails and the Buddha forsakes his father's world, first overindulging in all the pleasures of the flesh and then renouncing the body altogether and embracing rigorous asceticism. The legend has it, of course, that the Buddha found enlightenment through the latter route, but there is little reason to believe that the way we talk about our own children will lead to a similarly happy ending.

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Pediatric Politics

Clinton creates a KiddieCare Crisis

By John Hood

I'm making a prediction, and you can hold me to it. Sometime in the next year or two, you will see a television ad that looks and sounds something like this:

(Spot begins with scattered sounds of coughing and a picture of a hand cupping a mouth.)

"Rachel has a nagging cough that just won't go away. It could be serious, but she hasn't been to the doctor about it because she has no health insurance."

(Camera pulls back to show face.)

"Rachel is only 6 years old."

(A low, ominous musical tone, followed by pictures of poor children.)

"Right now, there are 10 million children in America without health insurance. Ninety percent of these children live in working families but neither qualify for government programs nor have enough money to buy coverage."

(An image of the American flag flashes past.)

"It is simply wrong that children in America are denied health coverage that is provided to children in every other industrialized nation."

(Pictures of ambulances rushing to the hospital and children in hospital beds.)

"And if we don't give these children the health coverage they deserve today, they'll be coming to our hospital emergency rooms in the future with costly illnesses that we may not be able to cure."

(Camera returns to Rachel's face.)

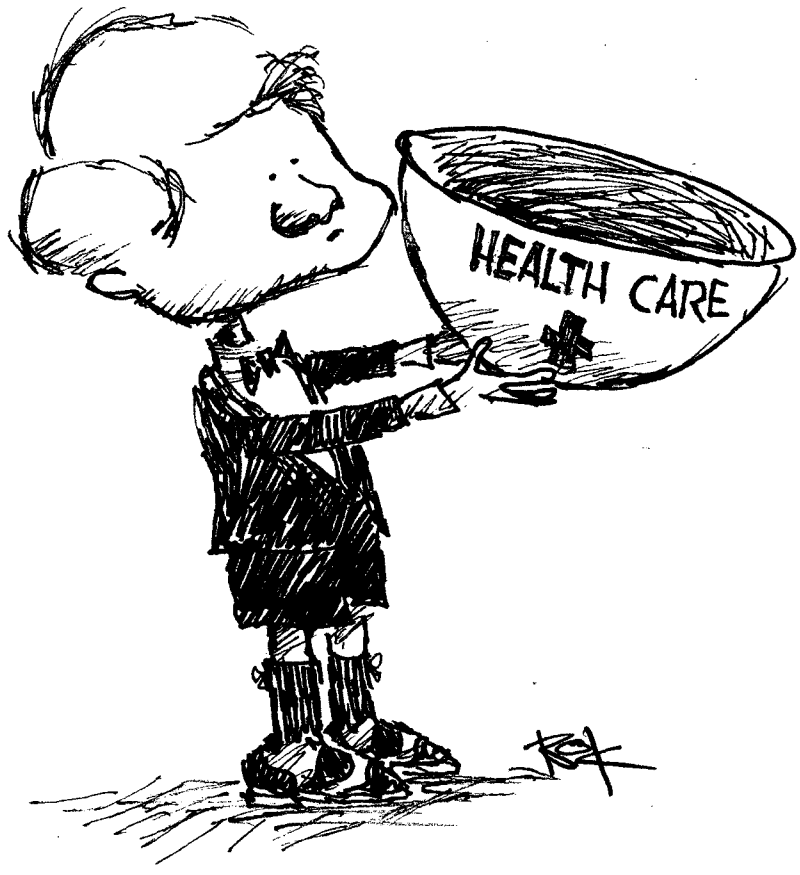
"Call your member of Congress and tell him that Rachel deserves better."

The campaign for KiddieCare has begun. Last fall, candidates talked a lot about senior citizens and Medicare. Television ads played in many congressional districts showing exploitative pictures of frail elders fretting about the possibility of losing their benefits or becoming burdens on their families. You ain't seen nothing yet. AFL-CIO President John Sweeney stated it clearly last December: Congress had better protect and expand government public assistance programs. "If they don't come around," he says, "we'll use children's health the way we used Medicare, and that's a promise and a commitment." Believe him. After all, children make for better TV than seniors. Most people are predisposed to feel sympathy for innocent children but may associate pictures of the elderly with annoying parents or in-laws. That's why international aid organizations run infomercials about poor children in foreign lands rather than their presumably equally poor parents and grandparents.

In fact, those cloying ads with TV's Sally Struthers and Pernell Roberts pitching "a dollar a day" for poor Salvadorans, Somalis, and Bangladeshis are a telling sign of things to come. Already, politicians are starting to use the hook of uninsured children to pitch new health insurance programs at the federal and state levels. In January, Senate Minority Leader Tom Daschle (D-S.D.) proposed a new $4 billion federal program to use refundable tax credits to subsidize 90 percent of private health insurance premiums for families with annual incomes up to twice the federal poverty level. The bill would provide smaller subsidies for wealthier families earning up to $75,000 per year. Since 83 percent of American families make below $75,000, this is a classic middle-class entitlement. Similarly, Bay State Senators Teddy Kennedy and John Kerry have proposed a joint federal-state program to purchase private "child-only" health insurance for modest-to-middle-income families at a projected cost of $9 billion.

In January, President Clinton introduced his budget plan, including a proposal to subsidize health insurance for temporarily unemployed workers and their children. The Clinton administration also wants to require states to use savings from Medicaid reforms to loosen the program's eligibility requirements and expand enrollment. In March, the Children's Defense Fund held one of its media-savvy press conferences to demand health insurance for all American children and announced plans for a June 1 "Stand for Children" featuring CDF President Marian Wright Edelman, Rosa Parks, and noted child welfare expert (and talk show host) Rosie O'Donnell. To make the event a truly nationwide effort, local organizers have formed 170 Children's Action Teams in 38 states to set up a variety of headline-grabbing rallies and protests for the same day. "If you care about the 10 million children who don't have health insurance," Edelman intoned solemnly at the press conference, "sign the virtual petition for healthy children on the Internet and hold a rally or candidate forum to urge leaders to ensure healthy children now."

There are several reasons why congressional Democrats, the Clinton administration, and other advocates of expanded government control over health care have picked KiddieCare as their newest vehicle. One is that they got burned in 1993 and 1994 promoting ClintonCare for everyone, and they want to move slowly and cautiously. Another is that children, unlike



the elderly, cost relatively little to insure. They rarely get seriously ill. Obviously, however, the most important reason for trying to sneak the KiddieCare nose under the tent is the Sally Struthers angle. When confronted with manipulative pictures of needy children, otherwise rational people lose their capacity for thought. Emotion takes over. And the people for whom this hook isn't enough often buy the typical CDF pitch that a little money spent now (on health insurance) will actually save money in the long run (by heading off serious medical conditions and ensuring healthy child development).

For those who get a little nervous about the prospect of a massive new government entitlement, largely targeted toward the middle class, the KiddieCare hook-and-pitch represents all that is wrong with the public policy debate today. It is based on gut reactions rather than careful analysis. It assumes that every problem has a government solution. And it stigmatizes those who don't go along as uncaring and cruel.

The Hook

Let's look at the two components of the KiddieCare message separately. First, the hook. Here are the major claims advocates use to get your attention, and what makes them false or misleading.

CHIP BOK

● *"There are 10 million American children without health insurance."* This is almost certainly an exaggeration. Everyone involved in public policy debates should stop treating government statistics as if they come from heaven inscribed on stone tablets. The "10 million children uninsured" claim comes from the Current Population Survey, conducted every month by the U.S. Census Bureau. The annual health data come from the March survey. But the survey never asks directly whether any member of a household was uninsured for part or all of the year in question, and instead presumes uninsured status when households don't report coverage by a major government insurance program or by employer-provided insurance. The questions are inconsistent and tend to understate participation in the Medicaid program. Adjusting for these and other problems, the liberal Urban Institute, a Washington-based think tank, estimates that the number of uninsured children is 8.7 million, not 10 million.

Of those 8.7 million uninsured children, 2.4 million are eligible for but not enrolled in Medicaid, and an additional 700,000 will be eligible for Medicaid by 2000 because of past congressional action to expand eligibility. Eligibility vs. enrollment is largely a distinction without a difference. If brought to a hospital, clinic, or other health care provider, most eligible children would immediately be enrolled in Medicaid and receive whatever services they need for free. In effect, the Medicaid-eligible population, regardless of enrollment, is insured against the cost of health care services. So even according to data from a liberal source, the number of children who actually lack health in-

There is no clear evidence that infant mortality rates bear any relationship to health insurance coverage or prenatal care. They may be more related to such behaviors as using drugs and having children out of wedlock.

surance will be below 6 million by 2000.

● *"Poor children are entitled to free health insurance."* I don't think they are, but the fact is that poor children already receive free health insurance. It's called Medicaid. In fact, thanks to program expansions passed by Congress in the mid-1980s, families can earn up to 133 percent of the poverty level (and nearly double the poverty-line income in some states) and be eligible for free Medicaid coverage for pregnant women and young children. As a consequence, it might shock you to learn, about 37 percent of all American children up to 5 years of age, and another 20 percent of children between the ages of 6 and 14, are eligible for Medicaid. Most are enrolled. Just from 1988 to 1993, the number of children in Medicaid grew from 12.5 million to more than 20 million.

● *"Children without health insurance have little or no access to medical care."* This is nonsense. Being uninsured doesn't mean one can't obtain medical care, even for people of modest means. Some families simply pay doctors or hospitals cash for the services rendered. Many others go to subsidized clinics and public health departments to obtain preventive screenings, inoculations, or urgent care. When a child benefits from a federal program such as Women, Infants, and Children (WIC) or state public health initiatives funded by federal block grants, he or she remains technically "uninsured," despite receiving some form of preventive or acute care. Similarly, many children receive free or subsidized care from hospitals and charitable institutions. In 24 states, Blue Cross and Blue Shield plans operate a charity called the Caring Program for Children that provides a range of health care benefits free of charge to uninsured children whose parents cannot afford insurance but who do not qualify for Medicaid. Some 55,000 children benefit from the Blue Cross program alone. Another 96,000 children are enrolled in similar state programs. Are many of these children still "uninsured"? Yes. Are they shut out of the health care system? No. One study estimated that uninsured children receive about 70 percent of the outpatient visits that similar insured children do, and up to 85 percent of the inpatient care.

Children and pregnant women are already the subject of intensive public health efforts. The Health Care Financing Administration, which administers Medicare and Medicaid, reports that 95 percent of all U.S. women get prenatal care in the first two trimesters of pregnancy. Right now, any child in any state can receive free vaccines at a public clinic in their community. Vaccination rates are lower than they should be for children not because they lack access to medical care but because parents aren't doing their job. Purchasing health insurance for these kids won't solve that problem.

● *"There are many children suffering and even dying because of a lack of health insurance."* This is the crux of the emotional appeal, but also the weakest link in the argument. CDF's Edelman says that many families "forego health insurance for their children and...gamble on the fact that their children will stay healthy. That gamble has left too many children with ailments that would otherwise be treated routinely by doctors."

That may happen occasionally, but the notion that childhood disease is rampant among the uninsured is just bunk. Because of public health efforts aimed at pregnant women and children, as well as the general improvement in living standards and the quality of medical treatment over the past few decades, children today are far healthier than they have ever been. In 1940, about 47 out of every 1,000 babies died before reaching age 1. Today, that number is around 8.5. For children between 5 to 14 years old, the number of deaths per 1,000 fell from 0.6 in 1950 to 0.2 in 1990. Child death rates for cancer, heart disease, pneumonia, and influenza have all fallen significantly since 1960. The total number of reported cases of childhood measles in 1990 was 9 percent of the 1950 figure (320,000). There is, in short, no evidence of an epidemic of sickness and death among lower-income or uninsured children, whose health conditions in fact continue to improve.

The Pitch

Critics of KiddieCare proposals won't succeed if they just poke holes in the notion that there is an "uninsured children crisis." No matter how exaggerated the problem is, there are, in fact, some children who lack health insurance and don't receive the health care they need. There will always be groups like the Children's Defense Fund and their ilk throughout Washington and the state capitals who will make the seductive argument that providing health insurance to children pays for itself by heading off future medical and other costs borne by taxpayers. It is this central tenet of the KiddieCare pitch that must be challenged. Fortunately, there is no lack of authoritative evidence to do so.

We have data on the impact of free or subsidized medical insurance on cost and health from the Medicaid expansions that began in 1986. As now, the argument then was that unless pregnant women and children are insured and receive preventive care services, untreated problems will mushroom into serious and costly conditions. Furthermore, the argument goes, because many of these patients will end up in emergency rooms anyway, taxpayers will pay one way or the other.

The available evidence doesn't support this position. For one thing, KiddieCare may not significantly change the number of uninsured children or pregnant women. Many children and families who will take advantage of KiddieCare subsidies would otherwise have bought coverage on their own. In a KiddieCare world, employers will be less likely to offer health insurance, ex-

pecting the government to insure their employees. This has already happened with the Medicaid expansions. A study by economists David M. Cutler and Jonathan Gruber in the *Quarterly Journal of Economics* found that fully 50 percent of the increase in Medicaid enrollment from 1987 to 1992 was associated with a "crowding out" of private insurance. Some employers canceled or cut back insurance coverage, while employees chose to enroll in employer-provided insurance less often, especially for their dependents (probably because such insurance usually involves deductibles, co-payments, and premium sharing, while Medicaid does not).

For those who favor less government, the moral case for KiddieCare has a straightforward rebuttal: No government should be in the business of promising entitlements to middle-income, able-bodied citizens and their children.

Also, simply giving children and mothers health insurance doesn't guarantee that they will use preventive services—though they may well make greater use of physicians and other providers for acute conditions. Even vigorous outreach programs such as direct mail, phone calls, and home visitation by nurses don't seem to make much difference in preventive service consumption. In a study of Medicaid-eligible families in North Carolina published in the *American Journal of Public Health*, Dr. Maija Selby-Harrington and other public health researchers at the University of North Carolina found the results of outreach programs to be statistically significant but small. Another study by the Agency for Health Care Policy and Research within the U.S. Department of Health and Human Services found that for low-income preschool children without health insurance, a full year of Medicaid increased the probability of bringing children in for routine checkups by only 17 percent. "Factors other than insurance and income, such as the lower educational attainment of low-income mothers, explain approximately 80 percent of the gap between low-income and other children in their well-child visits," the agency concluded.

Comparing the costs and benefits of providing prenatal care through government programs, Dr. Jane Huntington of the Group Health Cooperative of Seattle and Dr. Frederick A. Connell of the University of Washington's School of Public Health and Community Medicine concluded that there is no evidence such care pays for itself by heading off future health care costs. Their article, in the November 10, 1994, issue of *The New England Journal of Medicine*, was notable for a couple of reasons. One was the scope of their analysis; they reviewed more than 100 studies on the effectiveness and economics of prenatal care. Another was that despite their findings, they support government-provided prenatal care programs. They are, in other words, hardly biased against the KiddieCare thesis that spending money on children and pregnant women will pay for itself in the long run.

Huntington and Connell found that the research on which the claims of the CDF and others are based is full of methodological problems. For one thing, they noted that the studies did not truly compare an experimental group and a control group of similar characteristics, because mothers elected to take advantage of the programs. "The current perception of prenatal care oversimplifies the difficulties of delivering prenatal care to women who do not now receive it, overestimates the benefits of prenatal care, and contributes to the medicalization of complex social problems," they wrote.

Indeed, there is no clear evidence that infant mortality rates, for example, bear any relationship to health insurance coverage or prenatal care. They may be more related to such behaviors as using drugs and having children out of wedlock. This is not to say, of course, that preventive care isn't worthwhile or that children and pregnant women don't benefit from it. But it doesn't appear to pay for itself in future savings.

A Little Honesty, Please

At its root, the argument for guaranteeing health insurance to all American children (and their families) is a moral one, not an economic one. Huntington and Connell, the prenatal-care debunkers, admit that cost savings may not be the appropriate criterion by which to judge government health programs: "It may be better to ask not 'How much does this save?' but, rather, 'How much is this worth?' " A little honesty would be helpful. Advocates of KiddieCare believe that children as a matter of right deserve health insurance paid for by the government. They should have the courage of this conviction, rather than attempting to camouflage it in maudlin sentimentality and impossibly precise pseudoscience.

For those who favor less government, the moral case for KiddieCare has a straightforward rebuttal: No government should be in the business of promising entitlements to middle-income, able-bodied citizens and their children. That is what KiddieCare would be: It is an attempt to plug the "crack" between Medicaid coverage for the poor and near-poor and the private health insurance market for those whose employers provide either coverage or the income to buy it. If the child of a family making $75,000 is entitled to subsidized health care from the federal government, then there is effectively no limit on what government can promise and force taxpayers to fund. Except, of course, the practical limit that if we maintain and expand middle-class entitlements, the federal welfare state will eventually go out of business. One can only dream.

Contributing Editor John Hood (Locke@interpath.com) is president of the John Locke Foundation, a state policy think tank in Raleigh, North Carolina, and the author of The Heroic Enterprise *(The Free Press). His Reason Public Policy Institute study on Medicaid reform is forthcoming.*

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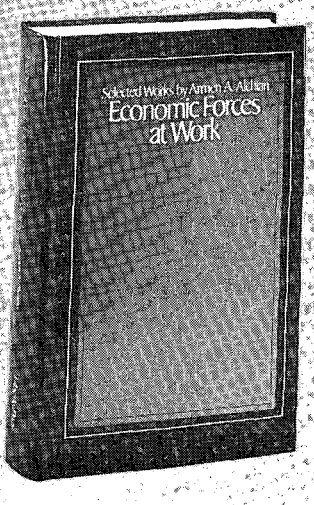
ECONOMIC FORCES AT WORK

Selected Works by Armen A. Alchian
Introduction by Ronald H. Coase



Only a few economists are able both to contribute significantly to economic theory and to write for the general reader. Armen Alchian is such an economist. As long ago as 1950, when he published his paper "Uncertainty, Evolution, and Economic Theory" (reprinted in this volume), Alchian gained an international reputation. In the intervening years he has made important contributions to the economic analysis of inflation and unemployment and to the theory of costs and of the firm. He has also been the leading economist in developing a theory of property rights. Importantly, Alchian writes well. *Economic Forces at Work* is distinguished by his ability to disentangle the essential from the trivial and, above all, by his skill in explaining how the same basic economic forces are at work in a wide variety of apparently different social settings.

Armen A. Alchian is professor emeritus of economics at UCLA.

Ronald H. Coase has been a senior fellow in law and economics at the University of Chicago Law School. He was awarded the Nobel Prize in economics in 1991.

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Hints from Eloise

Welfare-reform pioneer Eloise Anderson speaks bluntly—as always—about race, class, sex, and the realities of "the system."

PHOTOS: NEIL MICHEL / AXIOM

"Do you think we should completely abolish welfare?" Leslie Stahl of *60 Minutes* asks a contemplative Eloise Anderson, director of California's Department of Social Services, on national TV.

Anderson, staring straight into Stahl's eyes, replies firmly, "Yes."

"You do?" Stahl responds, visibly taken aback.

"Yeah."

"What about those people who find it too hard to work?" asks Stahl after emitting a "Wow."

"I don't understand finding it too hard to work."

INTERVIEWED BY MICHAEL W. LYNCH

This is the dialogue—played repeatedly in ads for the *60 Minutes* episode—that propelled Anderson onto the national stage. She was already known to welfare experts as one of a band of outside-the-Beltway reformers, including such Republican governors as her former boss, Wisconsin's Tommy Thompson, who pushed the debate forward. In a world in which policy makers speak in circumlocutions, Anderson stands out as a straight shooter. Her bluntness once caused the Heritage Foundation's Robert Rector to quip that he enjoys sitting on panels with Anderson because she is the only person in the country who is to the right of him on this issue.

Anderson developed her views not based on abstract theory, however correct, but from seeing the workings of the system day in and day out and its effects on people. Before rising to run Wisconsin's welfare system she had actually been in the system herself. She was a community organizer in Toledo, Ohio, and Milwaukee in the mid-1960s before getting married and leaving the work force to raise three children. But her husband left her in 1973, and she found herself in the same position as most women who go on welfare: involuntarily single with children to support and dated job skills. Anderson signed up for food stamps. But instead of accepting cash assistance, she pumped gas before resuming her career as a social worker. She came to California in 1992, attracted by the chance to work on child welfare issues, a concern she has quietly addressed while welfare reform has occupied the national stage. Today, she runs the country's largest welfare system, $16 billion in total programs.

> **"Every time we have something negative to say about welfare, there is a black mother or a black male. Any time you have anything positive to say about welfare, there's a white mother. Yet if people look at history, they would also know that most blacks did not come to welfare until the late '50s and '60s. What were they doing all those other years? Working."**

Working in the system made Anderson an effective advocate for change. She not only makes a compelling case that we should abolish welfare, but she is as comfortable arguing it in a room full of welfare recipients as she is in a room full of middle-class policy makers. Anderson advises people who want to work on social policy to first work on the system's front lines. If that is not possible, she says, they should at least spend some time at welfare offices and social service centers. She still visits welfare offices at least once a month to interact with front-line workers and the people her system serves.

Welfare reform is now well under way. Congress ended the entitlement to welfare in 1996, giving states lump-sum block grants. Some states, such as Wisconsin, Michigan, and New Jersey, have already erected new welfare apparatuses with time limits and work requirements as central organizing principles. Others are still trying to come up with a new system. They include California, which is home to 12 percent of the nation's population but 20 percent of its welfare recipients.

Washington Editor Michael W. Lynch interviewed Anderson in her Sacramento office in December and February.

Reason: What in your background made you want to change welfare?

Eloise Anderson: I'm a commoner. I'm a blue-collar Midwesterner and Catholic. If I were white—meaning being allowed to be a human being with all the complexities that humans develop—I'd be perceived as German, because my socialization was within a German cultural community. My notions about freedom and what democracy's all about don't have very much room for public social welfare systems of the type that we designed, created, and continue to perpetuate in this country.

Reason: Who are your intellectual influences? Do you have any heroes?

Anderson: Mark Twain, because I like his voice. I think Mark Twain was a pure American, and his voice, his literate voice was one which I understood. He always brought up the hypocrisies in America in a way that we could swallow. He was funny. He was troubled by the conflict in society. If I had a hero, it would be him. If I had a heroine, it would probably be Sojourner Truth. Sojourner posed the question to feminists: Are black women considered women? If you're going to talk about feminist issues, then you can't talk about women's issues in general, because all of us don't have the same experience. Sojourner Truth brought more

honesty to the women's movement than anybody [else]. So those are my two, other than my mom and dad.

Reason: How do class and gender issues relate to welfare reform?

Anderson: Child support issues probably need to be rethought in light of more than just middle-class women and their children. They need to be thought of in light of mothers and fathers of all economic levels. Another thing that needs to be rethought is this whole notion of a child and his two parents. What is it that we expect out of fathers vs. mothers? We say fatherhood is a check and that men are not expected to nurture their children. Surely we won't let him have custody of his child. We expect him to continue to pay for a woman that he no longer has a relationship with, and we expect her to do nothing in terms of financial status. The woman, we base her value to the family on nurturing, not financial responsibility.

In the way that we structure welfare and the way we structure our argument, we basically say that she was not a willing partner in the conception of this child, that he was somehow responsible for this without her consent, and that she had nothing to do with getting pregnant. Therefore he bears all the financial burden. I think that is an unfair policy, which means that we have to rethink custody. If a father has a lot of resources and mom has very few resources, and we want the child to continue to live in the comfort the father provided, maybe the father ought to have custody.

Reason: It has always struck me that family law....

Anderson: Is prejudiced against men.

Reason: ...is biased against men on many levels. For example, if a woman gets pregnant, and the man wants to keep the child but she wants an abortion....

Anderson: She wins.

Reason: But if he wants an abortion and she wants to keep the child, he is on the hook. Do you think that as we start rethinking the roles of families we may begin to question these ingrained inconsistencies?

Anderson: Just because it's ingrained doesn't mean that we can't pose the question and get some different answers. I don't think we're going to be able to manage family relationships unless we change the laws that we have, because the laws are based on a condition that doesn't exist for us anymore: women staying home and taking care of the children.

Reason: Women working outside the home—it seems to me that there is a little schizophrenia on this issue, especially among your conservative allies, who are torn between wanting women to stay home as a domestic ideal and not wanting to use government money to pay women to stay home. What are the issues regarding the role of mothers?

Anderson: We don't know where we are on this whole notion of mothers working. We want to say, on the one hand, we don't want to do welfare. We don't want to pay for someone to sit home and do nothing. But on the other hand, we believe somebody ought to be home with the kids. The concern, I think, that is hidden here is not just infant care, it's also what happens to adolescents when moms aren't home. Because adolescents come home to an empty home, and adolescents get pregnant between 3 and 6 in the afternoon. So the question is, if we are going to put both parents in the workplace, then what are we going to do with our children?

Reason: Your proposal to drastically alter Aid to Families with Dependent Children would have put you on the lunatic fringe of this debate as recently as five years ago. Yet now your ideas are driving the debate. What does this say about the possibility for meaningful change? To put you on the spot, what does this say about the role of an individual as an agent of change?

Anderson: My grandmother once said, "All you have to do is sit down, because what goes around will come around." So if you have any belief that you actually believe in, you should live up to that. It's not necessarily that I drove the debate. It is like I'm on a ship and I am high enough on the ship so that I can actually see the shore, but everyone else down on the deck can't see the shore. So I say, "There's the shore," and everybody says that she's crazy, she's lost it. But pretty soon we get close enough to the shore that everybody else can see it.

Reason: Welfare is often painted in black face. What role does race play in the debate?

Anderson: I think there's an underlying belief in this country that we need to push to the surface. Many people believe that blacks are intellectually inferior. So a lot of people believe that we must have a system to take care of blacks, because they surely can't compete with us whites and Asians. The other thing is the subtle demonizing of blacks in the welfare debate. Every time we have something negative to say about welfare, there is a black mother or a black male. Any time you have anything positive to say about welfare, there's a white mother. These two things merge in the debate about welfare. Yet if people look at history, they would also know that most blacks did not come to welfare until the late '50s and '60s. What were they doing all those other years? Working.

Reason: Who's on welfare in California?

Anderson: A little bit of everybody. I mean, we've got two-parent families on aid. We've got single moms who've never been married on aid. That's our smallest group.

Reason: Really?

Anderson: Our largest group is women who have been married.

Reason: That contravenes the stereotype, which is that the largest group is women who never married and had children out of wedlock. Of those who are chronically on welfare, would the largest group still be women who have never married?

Anderson: We've only got 81,000 women on assistance who never married, never worked.

Reason: Out of how many?

Anderson: Whew, 900,000.

Reason: So less than 10 percent.

Anderson: Yes.

Reason: You have done some groundbreaking research

on intergenerational welfare with regard to the age of the fathers of babies born to teenaged mothers. What did you find?

Anderson: When I first started looking at marriage in AFDC, I was interested in putting a proposal together that actually gets people married. I thought that teenagers were having relationships pretty much in their peer group.

Reason: That teen pregnancies were the result of condoms breaking in the back seats of cars.

Anderson: Yeah, like it used to be for us, R-I-G-H-T? Well, I was shocked when I looked at the data and found out that most teenaged girls are with men who are five years and [more] above their ages. The younger they are, the older the male. The closer they are to 18, the younger the male. So, if I'm 18 years old and pregnant, I'm more likely to have a 20-year-old or 22-year-old that I got pregnant with than if I was 16 years old. If I'm 16 years old, I'm more likely to have a 25-year-old than I am to have a 19- or 20-year-old.

Reason: Given this reality, programs that teach teenagers how to put condoms on bananas won't do much to reduce teen pregnancy.

Anderson: No, because we're focusing on the wrong group. We continue to have teen pregnancy programs that focus on teens. I think we need to focus on adult men and fathers of these daughters, wherever they are located, and mothers of the teenaged girl.

Reason: What kind of program would focus on men? Would it be that if you commit statutory rape, you go to jail?

Anderson: Absolutely.

Reason: Or if you don't commit statutory rape, but you have a job, then you pay for the child?

Anderson: I'm torn. I think that when you cross the line, you go to jail. If you have resources, you go to jail and you pay for the child. If the mother is too young, I'm one for saying, "Dad, you take the child. You raise it."

Reason: Where are we with welfare reform? Congress has passed a law that supposedly ends the welfare entitlement, replacing it with block grants. What has changed in California since the law passed?

Anderson: Nothing yet. The governor has submitted a proposal to the legislature, and they stomp on it, trample on it, kick it around, maybe even throw it in the trash can, burn it. There's a number of things they can do with it. Dance around it. Then they will give him something back. I'm trying to help structure the public debate on it. I think the way that we're going about it in California is good for the long term. It is wide open. Everybody is at the table.

Reason: What are the principles that should guide public assistance programs under a block grant system?

Anderson: Work. The core policy of AFDC is to keep mothers at home with their children. That policy has to be eliminated. The core policy of the new program ought to be to help people get to work as quickly as possible. And to help people short term who need help. After that there's not much left. You're out of work. You got sick, whatever. I give you some help, then off to work you go.

I am concerned that we will try to do more than that. This is not the program to do more than that. We should help people get to the first rung of the ladder, which is a minimum wage job. Anything after that ought to be done someplace else in some other program, if that's what society wants to do. But that's not what this program should be about.

We have to get away from this notion that government is responsible for getting people out of poverty. People get out of poverty with their own efforts, not with our efforts. So we should put time limits on people and say that we will help you for this amount of time, and then stick to it.

Reason: You say the goal of welfare should be a minimum wage job. What do you say to defenders of the status quo who say a) these jobs don't exist or b) these are dead-end jobs?

Anderson: Well, let's talk about the jobs that don't exist. The California Economic Development Department did a study down in Simi Valley and Ontario [California] to find out if there were such jobs. Well, they found 6,000. The employers say, "Nobody wants these jobs. Why would we post them? We can't get Americans to take them." If employers believe that Americans will take these jobs, they will be advertising them.

Dead-end jobs. You know, this is a new philosophy. It's a job. If you want to go somewhere else, go somewhere else. We're supposed to be a free people. If that job doesn't take you where you want to go, move to another job. We don't do slavery anymore. So you don't have to stay on that job. If you go there and there's no movement in that organization, then you're free to go get another one.

Somewhere in the '60s, we started to believe that work was supposed to make us happy. I didn't grow up thinking work was supposed to make us happy. I tell my kids, "If you want to be happy, be happy at home." Your home life is supposed to make you happy, not work. If you're lucky, you'll find a job that brings together the vocational and avocational.

Reason: In California, you've said, nothing has changed in terms of the actual welfare program. Politicians are prone to hyperbole, and for all of the self-congratulation, one might have thought that Congress had toppled the entire New Deal. Has there been a real change?

Anderson: I think the states will get there, most of them, left to their own devices. Most of the states are trekking down the path of work. They are trekking down the path of short-term assistance. The relationship between the feds and states in domestic policy shifted just a little bit, and that little shift is going to open the door for a larger movement toward the federal government stepping away from domestic issues where it actually has no constitutional authority to be.

The other thing that I think happened is the beginning of a very different kind of discussion. This one is going to be harder. I'm hearing more and more people talk about how we are responsible for what happens to us individually. The government is not responsible for my happiness. I am responsible for my own. The government is not responsible for me when I do something stupid. I'm responsible for that. I'm hearing that more and more.

Reason: According to the author of a recent *Mirabella* magazine article that featured you, "Politicians have gotten the message that America no longer sees itself as a rich, generous country willing to help citizens through tough times. Instead, there's a meanness and anger in the land. People feel frustrated that their own lives are less than they have hoped for and don't want their tax dollars to support people perceived as freeloaders." Is there a meanness and anger in this land?

Anderson: The *Mirabella* writer believes that people who say, "I don't need to take care of that person," are mean-spirited. I think that 50 percent of Americans feel that way.

I have two neighbors in Wisconsin. One lives directly beside me, and the other one lives directly behind me. The family who lives beside me, he is a truck driver and she takes care of old people. She is an in-home support worker. She makes minimum wage and he makes a little bit above that, and he's not always working. She gets up at 5 o'clock in the morning and she catches the bus at 6 o'clock to get to work. And she takes care of her family. They've never been on aid.

The woman behind her can't even get her kids to school at 9 o'clock. She is still in bed until 9 o'clock in the morning. So her kids get themselves dressed and get off to school. We know this because sometimes her kids don't have socks on. But she's in bed. At 2 or 3 in the morning she's in her house partying. That's why she can't get up in the morning. But when she gets to the store, she brings out her food stamps and she eats better than anybody else. Her rent's paid. Her clothes are taken care of. She does nothing.

[The people next to me are] a poor working family. They pay for this woman to stay home. I'm sorry—that's not mean-spirited. That's saying, "I'm sick and tired of taking care of somebody else who's got nothing wrong with them and can hang out all night." That's not the way every AFDC mom is. But that's what they see.

And even if the mom didn't party—even if the mom got up in the morning and sent her kids to school—the question is, Why can't she work for her children, like this mom over here is working for her children? Why shouldn't she take care of her kids? That's the issue here. When women [did not] work by and large, we could do this. But now you've got all these moms going to work, and they think, "Wait a minute. Why am I busting my rear end to get up every day to go to work, and this woman is staying home?"

Reason: How do we get out of this situation?

Anderson: I think there are two things that have to happen. Parents have to learn to talk to their children about sex. That is not the schools' responsibility. It is the parents' responsibility. The other [problem] is that we abandon our adolescents. If they are as tall as we are and as big as we are, we think that they don't need us anymore. They are on their own. And what do we give them instead of emotional care? We give them toys. We give them material things. We need to put ourselves back into the lives of our children. One of the things we know about adolescent pregnancy is that adolescents get pregnant because they are looking for affection.

"The core policy of AFDC is to keep mothers at home with their children. That policy has to be eliminated. We have to get away from this notion that government is responsible for getting people out of poverty. People get out of poverty with their own efforts. So we should put time limits on people and say that we will help you for this amount of time, and then stick to it."

Reason: You compare a self-sufficient, working-class family who works hard to make ends meet to a welfare mother who lives off the system. Charles Murray, in many of his writings, creates similar scenarios to show how the welfare state undermines the efforts of the first family by making them suckers for working, when they could live at a similar material level and never leave the couch. How do you get out of this dilemma without cutting off the benefits, including the cash grants, food stamps, and housing subsidies?

Anderson: The best way to do it is one that we are not going to be able to stomach as a nation, which is to cut it off. But we can't do that. We don't know what the consequences of that will be. So the second best way to do that is what I think you've got people trying to do—wean people off. That is, cut it down and cut it down until it mostly goes away.

Reason: Time limits are central to every welfare reform proposal of which I'm aware.

Anderson: That's because it allows politicians to step into the unknown on someone else's watch [laughter].

Reason: Are there any states where anybody has reached

their limit and been cut off, cold turkey, from AFDC and other government support?

Anderson: No, I think the only state where they may be getting close is New Jersey. But nobody has come up against it yet. I don't know how you would hit this cold turkey, because you always have general assistance sitting there.

Reason: Do you think politicians have the backbone to cut off the checks when the time comes, or is it simply empty rhetoric?

Anderson: I believe that our representatives really represent us. No matter what we think about them, they represent us. And if they're scared to jump off, they've got good reason to be, because the American people don't stay on course very long. The question is not whether politicians would allow this to happen. It's whether the American people would allow this to happen. There's a bunch of us who would.

"Well, I'm pregnant." But I respond, "So? A lot of folks I know work while they are pregnant. Come back and see me the day after you deliver. We'll take care of you then." We ought to stop the notion [that] you can sit around on maternity leave. [If we do,] a whole bunch of folks will decide that this is not the place they want to go. They might go back out the door and look at Joe, the father of the child, and ask him, "How much did you say you can make at that job?" "I can make $6.00 a hour," Joe responds. "Sure looks mighty good. Let's go get married." So you change a lot of behavior with that one move.

Another person comes in, and what they really need is four tires to get to work. [As things stand,] we can't give you the money to get the four tires. We have to bring you into the program, force you to quit your job, for you to become

"I believe that our representatives really represent us. And if they're scared to jump off, they've got good reason to be, because the American people don't stay on course very long. The question is not whether politicians would allow this to happen. It's whether the American people would allow this to happen. There's a bunch of us who would."

people would allow this to happen. There's a bunch of us who would.

Reason: The left has gone ballistic on welfare reform, saying that kids are going to be hurt. It's clear that no one has read this welfare bill—at least no one being quoted. It says the time limit doesn't apply to money that is earmarked for the child. I'm told that it's possible to structure the AFDC grant so that 95 percent goes to the kid from the outset. So five years out, a woman is looking at a 5 percent reduction in her cash, which doesn't even touch her Medicaid, food stamps, and housing subsidies. Again, is there any real change here?

Anderson: On the cash grant side, there are changes. Many governors are really reducing the grant, with a lot of emphasis on putting people to work. It may not seem like a big change. But if you change the policy—if you say, "I'm not giving you money to help you stay home. You're not going to be sitting there watching *Oprah* anymore. At least not on my dime"—you can really change the nature of this program.

I say to you after you come in three or four times, "Hi, what are you doing here?" And you say, "I got pregnant." I say, "So, why are you here?" And you say, "Well, I don't have a job." And I say, "Well, I have a job for you!" You say, eligible. Now, hopefully, a lot of states will say, "You need four tires? Here's $400 to get the tires, which should be paid back in some form—dollars or community service. I don't want to see you again."

Reason: Welfare is in the spotlight currently. But there are indications that foster care may be the next big social welfare issue. You are responsible for California's foster care system. Is there a coming crisis, and what are the issues?

Anderson: The whole child protective system is a failure, for a couple of reasons. First of all, our workers go into homes without good tools to make assessments. The schools of social work, which put out most of the people, do not develop management skills. They have no idea how to manage the work that they are doing. They are counselors. But this is a police system. It is not managed like a police system, and it should be. That is a fault of the educational system. The second thing is that they are very focused on poverty: Poverty is the reason for all this stuff advocates see. They walk into a home, and their view of the family is colored by material deprivation, so they can't see past that.

Reason: Is this because these social workers are not from those communities?

Anderson: I think that's an issue, except that we have a lot of social workers who actually come from those commu-

nities. Many come out of inner-city black communities, and they go back to those communities and they can't perform, because what they've been taught in schools is irrelevant to the work they are doing. The second thing is that most of our people across the country know very little about child development. So we're moving kids, and we don't have a clue where that kid is in his or her development. Nor do we ask the questions about whether a foster family is right for a child in his or her particular state of development when we get ready to place the child.

Reason: Some of the criticism of foster care is aimed at the system's emphasis on family preservation. It revolves around children who have been returned to their families and then seriously abused. Do we need to rethink the issue? Do we need to think more about adoption?

Anderson: No. That's the wrong end. We need to think about how we make an assessment to pull the kid. Evidently, we're sending the wrong kid back home to the wrong family.

Family preservation says that safety is number one. Safety is not number two or three. It's number one. The question you have to ask when you're ready to remove the kid or reunify a family is, Is this child safe? If the child is not safe, the next question you would ask is, Do I have the resources to keep this child safe at home? If your answer is no, then the child doesn't go home. So it's not family preservation that's the issue; it's the assessment. We are making poor assessments.

Reason: Are people making poor assessments because they are taking an unrealistic view of the system in which they are operating? A child's home life may be less than perfect, but the foster care system may be even worse.

Anderson: I think we have workers that go into a family and don't know what to look for because we haven't good criteria. We need to give workers an assessment tool so that they can ask the right questions.

When I used to do this work, I'd go into a home and sit there and just watch mom for a while, just watch her with her kids. I didn't care what the house looked like. I might spend a whole day just sitting on the sofa watching, just trying to get myself invisible in the family. Then, before I'd leave that day, I'd say, "Tell me about each of your children." Before I walked out of the house, I knew about how she related to her kids, where her stress points were, which kid she didn't like, which kid was going to be problematic for her, etc. When do our workers do that kind of work?

When I was working at a state agency, they did some filming on five families on AFDC. Four of them were black, one was white. We were sitting around, all us top executives, looking at these films. The black families had clean houses and the kids were dressed up, and everyone was saying how wonderful these four mothers were. The white female was out of shape, fat, and you could see the roaches in the film. Soda bottles were going up the wall, the dishes were all over the place, and people were getting embarrassed by how crappy this was. I said the family with the dirty house has the mother with the best parenting skills. She is not going to be a problem. She is going to be hard for the social worker to deal with, but her family structure is much better than these four.

Let's look at what each one of these mothers has said about her daughters. One mother and her daughter don't even look at each other. She calls a daughter a heifer. What is that? Why would you call your daughter a heifer? I mean, are you paying attention to relationship issues here? What were they all looking at? Material issues.

Reason: What is the role of the private sector in reforming the child welfare system?

Anderson: I would actually like to see all this contracted out except the police function. The police function is to go in and make an assessment of whether the kid ought to remain home or the kid ought to be removed. That's the only part that I think should stay with the counties or the state. Everything else—all the services, foster care, the adoption, in-home workers—ought to be contracted out to a nonprofit or a for-profit. I don't have a problem with profit. I don't care who it is, but the government ought to get out of this business.

Why should they get out of this business? Because if they get out of the business, you can contract it out to people who live and work in those communities. You can go into the home, you can go into the neighborhood, which is what we've got to start doing. You can't keep a kid safe from an office downtown. The whole community has to be involved in the safety of that child.

Reason: You moved the debate on AFDC. Do you see similar successes in child welfare?

Anderson: Yes. We've moved child welfare quietly, behind the scenes, in the direction that we want to go. The national debate around child welfare needs to happen the way it did with AFDC. I'm concerned that the debate will be family preservation vs. adoption, and I think that's the wrong debate. The debate is who are we deciding to take out of the home. So I might have to put my toe in that water.

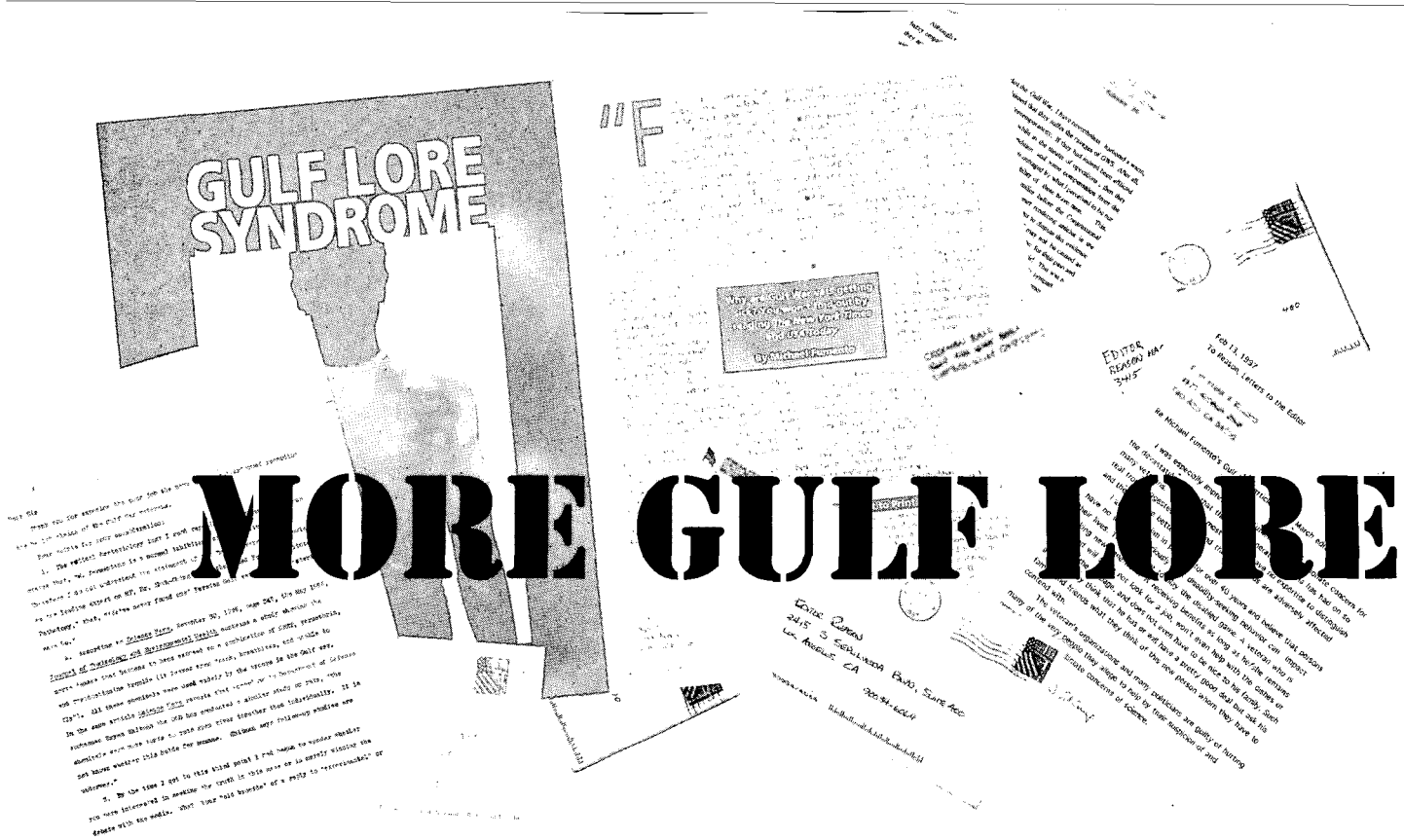
Reason: How do you see yourself moving the debate after Pete Wilson's tenure?

Anderson: I never thought I wanted to write until I took this job. I never thought I had much to say. I am an applied person, not an academician. I'm a person who knows how to work and move things. I'm not an intellectual person. But I actually think I have some things to say. I'd like to do something that would allow me to give another view, because I have another view of what I think is going on.

I've been around government for 20 years, and I have a view of government as a manager. I've been mostly a manager in government, not a policy wonk. And I have some views on how to make it work better. And we need to talk about that, or you know what? We're going to lose our freedom in this country. And that scares me a lot.

Reason: Are you considering running for public office?

Anderson: Absolutely not. Well, I don't know. You know I said that I'd never live in California, so I'm away from saying "never." So I won't do that. I don't know what's going to be the next step.



MORE GULF LORE

Our March cover story, "Gulf Lore Syndrome," (available on our Web site at www.reasonmag.com/9703/fe.fumento.html) garnered a greater than usual amount of reader commentary, both positive and negative. Here is a sampling of those letters, along with author Michael Fumento's response.

ALTHOUGH MY MILITARY CAREER preceded the Gulf War, I have nevertheless harbored a warm, fuzzy empathy with those veterans who claimed that they suffer the ravages of Gulf War Syndrome. After all, they are brethren in arms, despite a lack of contemporaneity. If they had indeed been afflicted with the effects of chemical or biological agents while in the theater of operations, then they warranted an official acknowledgment of their condition and some compensation from the federal government for a service-related disability.

I was outraged by what I perceived to be our government's attempt to avoid any responsibility for the debility of these brave men, despite the emotional appeal of the victims and their families before the congressional committees, the compelling testimony of GWS experts, the heartrending articles in the newspapers, the exposé on *60 Minutes*. What meanspiritedness to deny deserving veterans just compensation for their pain and suffering. Why, that could have been me sitting in a wheelchair!

This was my position, until I read Michael Fumento's excellent piece in your March issue, "Gulf Lore Syndrome." My sympathetic mindset has been radically altered by his most convincing and insightful report. Fumento has pointedly rebutted or at least introduced a great measure of doubt into the existence of GWS. What began as a casual read turned out to be a learning experience. It would appear that GWS, like the AIDS tragedy, has become an emotional issue for political and media grandstanding rather than a medical condition that requires a medical solution.

R.G. Goldstone
Dexter, ME

I WAS IMPRESSED with Fumento's compassionate concern for the devastating effect that this media-generated hysteria has had on so many veterans. As he says, most of them have no expertise to distinguish real from suggested disease. They deserve better. I am a physician in practice for over 40 years, and people have no idea how seriously disability-seeking behavior can impact their lives. They have to play the disabled game. A veteran who is seeking new benefits or is receiving benefits as long as he/she remains disabled will often not look for a job, won't even help with the dishes or take out the garbage, and does not even have to be nice to his family. Such a person may think that he has or will have a pretty good deal, but ask his family and friends what they think of this new person whom they have to contend with.

The veterans' organizations and many politicians are guilty of hurting many of the very people they allege to help by their suspicion of and opposition to the legitimate concerns of science.

Frank R. Williams, M.D.
Palo Alto, CA

IT IS SO GOOD to see in print a view contrary to the unreasonable and unreasoning flood in the general media. Sometimes

I question my own reasoning when faced with such a deluge of contrary opinion. I was working at the Veterans Administration when we went through the last example of this epidemic hysteria, "Agent Orange." I remember one journal commenting on a civil suit that a veteran had filed. He stated that Agent Orange had caused his children to be born with polydactyly. He won his case even though the defense showed that this trait had occurred in the plaintiff's family for generations back.

As clinic doctors we participated in collecting data by surveying veterans. This survey had no context and could not provide any meaningful information, just a litany of complaints. Studies such as the *New England Journal of Medicine* article you cited were done and published in scientific journals, never to see the light of mass media. I fear we are about to throw a vast amount of money down this hole again and nothing will stop it.

Michael O. Montgomery, M.D.
Assistant Professor
Department of Anatomy & Cell Biology
Temple University
Philadelphia, PA

I BOTH WRITE and edit for a political and policy newsletter (*The Lone Star Report*) and have worked in a press capacity for both elected officials and candidates. To someone who has had to deal with the absolute lack of journalistic standards (or even common sense) when it comes to scientific and environmental issues, your article is a breath of fresh air. It was just wonderful. How is it that the press can be so stupid when it comes to reporting on these issues? They are so quick to print, and so slow to check their facts. I have had to deal with this type of thing before, but your attempts to get at the truth here must have been mind-boggling.

Unfortunately, a whole industry has grown up around GWS. Truth hurts the bottom line, so myth and hysteria must be continued. Sure, the people involved truly believe there is a problem, but it's still not provable. Many really believe in psychic hotlines, but they are still fakes. I used to think that this type of media goofiness was confined to late-night talk shows with UFO formats. But now it's on the front page of the local paper.

James A. Cooley
Austin, TX

I RECENTLY READ the article on GWS in REASON. I am a lieutenant in the Marine Corps, and although I was not in the Gulf myself, I have friends who were. I also have the collateral duty of NBC (nuclear, biological, chemical) officer for my company. I would like permission to reproduce your article so that I may pass it around my unit in the interest of truth and understanding. In the military, rumors become gospel even faster than your research shows, and I think that your article would be useful in dispelling a few of these myths running rampant in the Corps.

Scott D. McDonald
integrity@nternet.net

I HAVE SPENT part of my career as an epidemiologist and all of my career dealing with epidemiologically related issues. Your article showed an excellent grasp of the basic epidemiological principles which must be applied in order to understand any new disease or phenomenon. Unfortunately, most of these principles seem to be beyond almost all of the people writing about illness in Gulf War veterans. You have made a real contribution.

Jack Zusman, M.D.
75120.432@compuserve.com

I JUST FINISHED reading "Gulf Lore Syndrome," and I could hardly wait to get to the keyboard to give you a big thumbs up! I have been proclaiming your exact words for years now. And I have been watching with increasing anger as the distortions have mounted in the press and have been fervently propagated by very visible members of Congress.

I am a medical doctor who served proudly with my regular army artillery unit (I was on active duty—not a reservist), the 42nd Field Artillery Brigade, in the Gulf War. We were a VII Corps asset, meaning that we were assigned to and fired missions with several different divisions all across the battlefield during the war from the first days after the onset of the air war, including the 1st Cavalry, 1st Infantry, and 3rd Armored divisions.

I was in the theater of operations from December 1990 through May 1991. I bet I personally covered 75 percent of the battlefield. In addition to preparing daily for the possibility of chemical or biological warfare, I took photographs. I have well over 2,500 photographs taken with my Nikon F3 during those months in the Gulf.

Since that time I have left active duty. I am currently in the third year of an Emergency Medicine Residency Training program at Vanderbilt University in Nashville, Tennessee. As part of this training I take care of patients at the V.A. hospital just behind the main University Medical Center. The classic case of GWS that I relate to my colleagues is that of a young former soldier (reservist) who told of a syndrome that consisted of a terrible rash, malaise, and low-grade fever, which recurred every few months and left him feeling washed out for a long time. I knew when I saw this young man with his malady and his mother at his side in the room that I would never be able to convince them that he had herpes and not some mysterious illness. Perhaps he had contracted it in the Gulf. I did treat genital pediculosis in our small headquarters battery without informing my commander. I also recovered boxes of untaken pyridostigmine bromide tablets after the war. Despite the warnings of possible nerve gas exposure, it seems that most of our soldiers just didn't like taking those little pills every eight hours for the short while we were supposed to take them. They made you pee.

I strongly believe that instead of doing our vets a favor, we are doing them a great disservice by allowing the propagation of these lies. I am a vet. I put my life out there on the front line with my fellow artillery redlegs (not at some hospital in the rear). I feel exceptionally strongly about this issue.

David W. Lawhorn, M.D.
Major, MC, USAR
Nashville, TN

KUDOS TO YOU. I am a Vietnam-era veteran and I want to congratulate you on your recent story "Gulf Lore Syndrome." I thought the story was brilliant. It was also an exercise in cour-

age. Standing up to the national media and also to the delusional veterans—primarily victimized by the media—must be difficult. You may not win a Pulitzer Prize—in fact, you probably won't, because your story is politically incorrect. But your work is very admirable to this writer. Thank you.

Christine Adamec
Major, USAFR (Ret.)
71216.105@compuserve.com

I WANTED to compliment you on your article analyzing the Gulf War Syndrome. Piece by piece, you take apart this problem and show it for what it is: media hysteria and psychosomatic illness. Your reasoned analysis is a breath of fresh air in a world that appears to have lost its ability to reason. Your placement of glowing vomit up front in your article was key. I would think anyone could understand this point. As a former chemistry professor turned lawyer, I found the lymphatic cancer point equally compelling, but to the ignorant, this will, I am afraid, appear to be hairsplitting. To see your skewering of *60 Minutes*, I would have paid 10 times the cost of the magazine. More power to you. I await with interest Fumento's next piece.

Christopher J. Flann
Billings, MT

I JUST READ your article about Gulf War Syndrome, and I'd like to thank you for your fine effort. An additional point may have helped to explain this particular craze. The public debate leading up to the Gulf War fed anticipation of far more casualties than there were. There followed a strange display—often approaching guilt—at the lopsidedness of the victory and the low Allied casualty rate. I'm no psychologist, but it seems that if a whole nation braces itself for grievous injury and that injury fails to materialize, an imaginary injury could serve the need for drama and morality just as well. Perhaps this also helps explain why the pessimistic environmental predictions following the oil fires received such undue attention.

Mike Sierra
Cambridge, MA

I HAVE FOLLOWED Fumento's work for some time, including his excellent book *Science Under Siege*. I just finished his article "Gulf Lore Syndrome." As a practicing plastic surgeon having just gone through silicone hysteria (I call it "media induced stress disorder"), I am struck by the similarities with GWS. In fact you could substitute the word *silicone* for *GWS* in your article and it would read remarkably accurately. The main difference is the lack of a contribution from the plaintiffs' attorneys whose greed drove the implant crisis. I presume this is because the "bad guys" in GWS are government agencies and the Iraqis, who are harder to extort from. I plan to give copies of your article to other doctors who don't seem to see the fundamental assault on medicine, science, and reason that these episodes represent.

Scott L. Replogle, M.D.
DocReptile@aol.com

THANK YOU very much for putting this nonsense into perspective. I am a Gulf War vet. I served as a Surgical Company commander, 1st Medical Battalion. My company deployed to Desert Shield in September 1990 and returned in March. There were over 200 men in the medical facility staff and we lived in the "field" the entire time. It was hard living: poor food, always dirty, too many flies, and too much uncertainty. I am very proud to say that the company performed its mission with determination and stamina. We saved many lives with our medical care because we were where they needed us, up front.

Those months in the desert were stressful, and every week I saw the effects of this stress on my men and myself. It was a great relief to return home to my family. Even being in the medical field, I never anticipated that post-traumatic stress disorder would affect me. It did. When the media started writing and broadcasting stories about Gulf War Syndrome, I was flooded with questions from my men. I tried to kill the myths and rumors as fast as I could, but they grew exponentially.

Your article has become a great myth killer for me. I too have heard Denise Nichols's bizarre tales and Brian Martin's wild claims, and just stood back in total disbelief that they were getting air time on national news. All I wanted you to know is that I very much appreciate the hard work that went into your article. Thanks for clearing up so much.

J.T. Coyne
Captain (S), MSC, USN
Executive Officer
Naval Health Research Center
San Diego, CA

MICHAEL FUMENTO'S RAMBLING, slanted "Gulf Lore Syndrome" was a disappointing discourse unworthy of REASON. Supposedly investigative articles such as this should look at all the facts, not only those the author wishes to bring out in order to shriek his opinion. More disconcerting, however, is the editor's lack of insight in allowing this piece to be printed.

Fumento complains about Gulf War vets believing only what they want to hear, yet he does precisely the same thing by not examining all the data available and offering possible answers. Instead, he chose to use open-ended, amateurish claims such as, "It is no exaggeration to say that every ailment any Persian Gulf vet has ever gotten—or that anybody has ever gotten—has been labeled a symptom of GWS." Such pedestrian assertions do nothing for this magazine's reputation. Does he expect us to believe Gulf War vets are claiming that heart attacks and AIDS, to name but two ailments, are caused by GWS?

Fumento's toeing of the mainstream political line in accepting the government's suggestion that GWS symptoms are entirely psychosomatic is discouraging. He would have us believe that the hundreds of dead camels, sheep, and goats my unit walked through a few miles below the Kuwaiti border just days before the ground war started died, in fact, of psychosomatic illnesses. And he would have us believe that the two Marines wounded in action by an Iraqi mine filled with a blister agent in lane Red One on February 24, 1991, at 0656 were, in fact, not suffering from blisters and other injuries caused by the mine, but rather from psychosomatic illnesses.

Why would REASON allow a writer to ignore the independent medical studies (by such institutions as Duke and others)

that found a combination of pyridostigmine bromide (the experimental nerve agent prophylaxis we were ordered to take without being told it was experimental), DEET, and permethrin caused symptoms in lab animals very similar to some of those most commonly reported in Fumento's nonexistent malady? Why does Fumento ignore the government's long and well-documented history of denying cover-ups like their early nuclear and chemical warfare and LSD experiments on their own soldiers, and the truth behind Agent Orange (or is that all in our minds, too)? Does he really believe the government's claim that every NBC (nuclear, biological, chemical) technician who detected chemical agents on the battlefield, and every piece of proven-effective chemical detection equipment that was calibrated by General Dynamics the day before the ground war kicked off, in every instance, was faulty? A 100 percent failure rate of men and equipment?

Fumento's grant would better have been applied to a publication more prone to hype, political correctness, and one-sided reporting. I hope future articles by this biased and poorly supervised individual are more balanced and factual.

Bob Newman
Longmont, CO

"I strongly believe that instead of doing our vets a favor, we are doing them a great disservice by allowing the propagation of these lies. I am a vet. I put my life out there on the front line with my fellow artillery redlegs (not at some hospital in the rear). I feel exceptionally strongly about this issue."

David W. Lawhorn, M.D.

THANK YOU for exposing the poor job the news media has performed regarding the health claims of the Gulf War veterans. Four points for your consideration:

1. The medical bacteriology text I read regarding *Mycoplasma fermentans* states that "M. fermentans is a normal inhabitant of the genital tract." Therefore I do not understand the statement of the "man universally acknowledged as the leading expert on MF, Dr. Shyh-Ching Lo of the Armed Forces Institute of Pathology," that " 'We've never found one' Persian Gulf vet with the bacterium."

2. According to *Science News* (November 30, 1996, page 347), the May 1996 *Journal of Toxicology and Environmental Health* contains a study showing the nerve damage that happens to hens exposed to a combination of DEET, permethrin, and pyridostigmine bromide. (It leaves them "weak, breathless, and unable to fly.") All these chemicals were used widely by the troops in the Gulf War.

In the same article, *Science News* reports that, according to Department of Defense spokesman Bryan Whitman, the DOD has conducted a similar study on rats, and "the chemicals were more toxic to rats when given together than individually. It is not known whether this holds for humans. Whitman says follow-up studies are underway."

3. By the time I got to this third point I had begun to wonder whether you were interested in seeking the truth in this mess or in merely winning the debate with the media. Why? Your use of the terms *experimental* and *investigational*. What are you logically trying to tell us when you write, "The drug itself comes from a class of pharmaceuticals that has been in use since 1864"? That it is not experimental? That it is not investigational? That it is safe? Methyl alcohol comes from a class that has been around for thousands of years, but I wouldn't drink it.

My *Physicians' Desk Reference* gives a dosage range for pyridostigmine bromide of 60 to 1,500 milligrams per day for myasthenia gravis. As hard as you may try to minimize the amount taken by Gulf War troops with the phrase "three 30-milligram pills to be taken daily," it is still 90 milligrams, and so the troops were still taking more than what some myasthenia gravis patients take, not less. Pyridostigmine bromide does have many serious side effects. Check a *PDR*. Now put those side effects together with an Israeli study, reported in *Science News* (December 14, 1996, page 375), showing how stress caused an increase of the neurological side effects of pyridostigmine bromide in their soldiers during the Gulf War, and you can see whence the hysteria might initially have come.

The U.S. troops are stressed out because they might be gassed. They have trained for being gassed. They take pills to protect them if they are gassed. They start to get headaches, drowsiness, etc., as do 25 percent of their fellow soldiers, when they are in an area where they might be nerve gassed and are taking the pills. Even though the effects of pyridostigmine bromide alone are supposed to be of short duration, you can see where the troops might have gotten their initial dose of hysteria, can't you?

4. Don't be too hard on the media if they don't always believe the Pentagon. After all, some of them may be aware that the U.S. Army, in a germ warfare experiment, sprayed a bacterium, *Serratia marcescens*, over the San Francisco Bay area in the 1960s, making some people seriously ill. In that case, civilians, not soldiers, were guinea pigs. Over a year ago, I learned on *Dateline NBC* that the U.S. Army had also released a bacterium into the New York City subway system in 1966. I wrote two letters to *Dateline NBC* and one to my local NBC affiliate, KSBW, to find out the name of the bacterium, but so far none of my letters have been answered.

Don't throw your particular Gulf War baby out with the media bath water just yet. Keep on trying to cut through the crap and get to the truth.

Sherman Bell
Watsonville, CA

"GULF LORE SYNDROME" is one of the best articles I have read in REASON. But I'd like to know: Do Gulf War vets show a higher incidence of psychosomatic symptoms than other vets of the same era, or than the public at large? It would seem that they should, since only this group would be affected by the psycho-

logical forces imposed by "Gulf Lore." But the information in your article seems a little confusing on this issue. For instance, at one point you discuss an Institute of Medicine investigation of three reports of GWS illness clusters. You state that "while the symptoms tended to be the same among the three groups, these were classic psychosomatic manifestations." At the same time you mention that the IOM studies "were not successful in demonstrating that these symptoms occurred at a higher rate among PGW [Persian Gulf War] veterans than among [other] PGW-era veterans."

Do you see my problem? This would suggest that psychosomatic symptoms are occurring at the same rate in both groups. If your suggestion is correct that the hype is causing Gulf War vets to get sick by suggesting that they should be sick, how could this be? This hype would not affect vets who had not been to the Gulf.

Perhaps you can address this point in your response to the many angry letters you will get about your article. Again, congratulations on your excellent work.

Jack Tallent
jrtallen@dreamscape.net

I SERVED PROUDLY in the United States Army for over 10 years in elite military units, from the 101st & 82nd Airborne Division to the 2nd Infantry Division. If you think veterans are making up their illnesses, then you and your reporter are full of it, because we are trained to accept pain and drive on. However, illness which overcomes you within three days of arriving in a country following Scud missile explosions overhead only goes to show me and others that are sick that it's not in our heads, but caused by some foreign agent or agents.

Dannie Wolf
dwolf@sirinet.net

IF FUMENTO is a medical writer, as he claims in both REASON and *The Wall Street Journal*, he should be doing adequate medical research and not relying upon the prepared statements and utterances of the government agencies he seems to favor, and whose opinions and inconsistent assertions are in question at the moment. He missed the recent University of Texas Southwestern Medical Center at Dallas study published in the mid-January issue of the *Journal of the American Medical Association.* He missed research done in Glasgow and Kuwait. He missed the 308 DOD Missing GulfLink Files. He missed reams of documents. Instead Fumento concentrated on presenting kooky aspects of a troubling and grim reality that no one yet has an answer to, and in the end could only substantiate his less-than-medical final assumption with the theory of a foreign medical historian, not even someone working on the problem in the field scientifically.

You are asking me as a reader to assume that this is reasoned thought? This is thinking? This is allowing oneself to live with the contradictions until more information is available? The tone of his piece had all the backroom bravado of the ugly fat kid figuring out how to get some attention. I am surprised at your editorial board for not doing—at least—basic fact checking. I did some of it for you and was even more surprised at what you missed. But maybe you thought the controversial nature of his stand would sell more copies of the magazine. Is that why you slapped it on the cover? All it did for me was cause me to never want to pick up your magazine again, and to tell as many people as would listen to do the same.

Janie Angus
Churn88@aol.com

MICHAEL FUMENTO REPLIES: My head swelleth over with the praise. As to the criticisms, I was able to identify all of one (which not coincidentally was couched in the politest of terms) that actually helps clarify matters. Jack Tallent raises the basic question: Are Gulf War vets suffering illness at the same rate as both vets who didn't deploy and civilians, and, if so, how can this be reconciled with saying they have a higher rate of psychosomatic illness?

Let me provide the whole sentence from the Institute of Medicine report Tallent quotes. "Thus, although these outbreak studies were successful in demonstrating a common pattern of perceived health problems across a range of military units deployed to the Gulf, they were not successful in demonstrating that these symptoms occurred at a higher rate among PGW veterans than among [other] PGW-era veterans." What they're saying is that the soldiers in the "outbreak" studies perceived themselves as being sicker, but there's no evidence that they actually were. The studies just took the soldiers' word for it, and many of the complaints are things that can't be measured with medical instruments anyway, such as fatigue or muscle pain.

To some doctors, that means there's nothing there. To others, and to me, it means there is something there. That something is psychosomatic.

Let's restate the basic proposition. Yes, some Gulf War vets are sick. Since there are so many Gulf War vets, it's fair to say that many Gulf War vets are sick. No, the Gulf War vets are no sicker than comparable non-deployed vets or civilians in areas that are thought to be nonpsychosomatic, including overall deaths, cancers, birth defects, and miscarriages. But several studies do indicate that Gulf War vets have more of what have traditionally been accepted as possibly psychosomatic illnesses—including muscle pain, fatigue, insomnia, joint pain, and the like—than other groups.

Whether they just think they have more illnesses isn't really a proper distinction. If a vet honestly says his joints ache, he's hurting. That's why what I call Gulf Lore Syndrome is so vicious. Dannie Wolf, in the next letter, shows he doesn't understand this distinction. My article did not accuse any vets of "making up their illnesses." It said that all the vets who are sick either would have been sick regardless of their military service or are suffering from psychosomatic illness, which is real but stems from a person's own mind rather than being organic—from some outside physical cause.

After my article went to press, two new pieces of evidence came along indicating that the vets truly are suffering psychosomatic ills. Naturally, both were twisted by the press to make it seem as if they were organic. One was from the University of Texas Southwestern Medical Center in Dallas and appeared as a series of articles in the January 15 *Journal of the American*

Medical Association. Janie Angus mentions this in her letter. The other was mentioned in the congressional testimony of Department of Veterans Affairs Under Secretary for Health Kenneth W. Kizer on January 21.

The Dallas study, not incidentally, was funded by Mr. Conspiracy Theory himself, H. Ross Perot, who is determined to show that GWS is real. It claimed to have found various neurological and other problems in Gulf War vets from a Seabee unit and correlated these with exposures to various chemicals, such as insecticides and the flea collars some of the men wore. The main problem with this study is that it's based entirely on self-reports in terms of both illness and exposure.

"Fumento concentrated on presenting kooky aspects of a troubling and grim reality that no one yet has an answer to, and in the end could only substantiate his less-than-medical final assumption with the theory of a foreign medical historian. Maybe you thought the controversial nature of his stand would sell more copies of the magazine."

Janie Angus

As such, what the researchers found is exactly what you would expect to find if the main cause of GWS were psychosomatic illness and epidemic hysteria. That is, the soldiers reporting the most problems also reported the most exposure. Perfectly healthy soldiers would say, "No, I'm absolutely sure we were never gassed." Those with aching joints and dizziness would say, to use the classic line quoted in one *USA Today* scare story, "I know in my heart I was gassed." Which is to say the soldier has absolutely no physical evidence that he was.

The material that Kizer provided had the same drawback. Again, it relied entirely on self-reports. Men who were closest to the munitions-dump blast at Khamisiyah and who have been told over and over and over again that they should be unhealthy—because, as we now know, the bunker contained nerve gas weapons—have a higher rate of complaints for certain illnesses. Of the 81 soldiers who were within a 50-mile radius of Khamisiyah, 28.4 percent reported various types of muscle and joint pains, compared with 18.4 percent of soldiers questioned who were outside that radius. These soldiers' joints were not x-rayed, and they were not given other sophisticated medical tests.

They were simply *asked,* and they *answered.*

Kizer desperately tried to make all this clear in his testimony. Yet *The New York Times,* in the lead paragraph of its story on the subject, translated this into, "For the first time, a federal agency acknowledged yesterday that there appears to be a direct link between the release of toxic chemicals in Iraq in 1991 and one of the many different symptoms that have come to be called gulf war syndrome." So it goes.

Bob Newman asks if I expect readers "to believe Gulf War vets are claiming that heart attacks and AIDS, to name but two ailments, are caused by GWS." At least two congressmen are on record as saying that heart attacks among Gulf War vets were quite possibly caused by the alleged syndrome. Any number of reporters have made the same claim. As I noted in the article, we have already seen herpes blamed on GWS. Can AIDS be far behind?

Now, before I go into any of the conspiracy theorists' claims as to what is causing GWS, let me point out that, logically, to implicate something as a cause of a disorder, you must first establish that the disorder exists. None of these letter writers challenged the data—nor the five national panels of scientists who evaluated those data—that indicate that, but for a few psychosomatic symptoms, Gulf War vets are having exactly the amount of illness you would expect them to have. Trying to figure out the cause of GWS is as fruitful as trying to deduce who assassinated President Eisenhower and why they did so. These letter writers want us to ignore that whole section of the article and just go straight to their conspiracy theories. That said, here goes.

Regarding the alleged land mine explosion Newman refers to: This came out in the testimony of Maj. Randy Lee Hebert in December congressional hearings. Hebert has Lou Gehrig's disease that he's convinced is GWS. Never mind that 30,000 Americans who have never been near the Gulf are diagnosed with Lou Gehrig's disease each year. Hebert claims a chemical mine burned two Marines in his unit with blister agent. Maybe this happened; maybe not. But what's the point? Yes, we know chemical weapons were in the theater at the time. It also remains true that, as Gen. Norman Schwarzkopf told Congress recently, there is no evidence of a single soldier suffering at the time of the war from a chemical weapons attack—much less 60,000 to 80,000 of them.

The Duke study Newman mentions was also funded by (surprise!) Ross Perot. Funny thing, but where Perot money goes, proof of GWS seems to follow. The study was considered and rejected by both of the national panels that met after it was released, the Institute of Medicine and the Presidential Advisory Committee. It wasn't a hard decision. The poor chickens at Duke were given chemicals in amounts much larger than any that Gulf War vets received. Every day the animals were given four times the dosage of pyridostigmine bromide veterans were prescribed, and given it not for two weeks but for two months. They were given 10 times the DEET dosage that even a heavy bug repellent user would slather on. Finally, the chickens' daily permethrin dose was 7 million times what a soldier would have absorbed each day from his uniform, which is where the troops' exposure came from. All this experiment proved was what toxicologists have always known—that enough of anything will hurt you and even more will kill you. Little wonder that of the five birds exposed to all three of these chemicals, three keeled over and went to that great chicken bucket in the sky. That's a symptom not of GWS but of acute poisoning.

Newman seems to think that if the Pentagon engaged in some cover-ups—as it did with the atomic testing and LSD—then logically it must be guilty of any cover-up of which it's accused. No, sometimes the government lies, and sometimes it tells the truth. Either way, one must make the case, and not merely cite

past actions. Indeed, Agent Orange (the subject of a whole chapter in my book *Science Under Siege*) is one of those cases where the Pentagon repeatedly told the truth but no one seemed to care. Agent Orange is similar in many ways to GWS in that it was blamed for any and all illnesses of Vietnam vets and their offspring. Just as Gulf vets talk about mysterious Scud missile explosions, some Vietnam vets talk about the day they were covered with an "orange powder" from the sky. Agent Orange was a clear liquid. The only vets found to have high levels of exposure to Agent Orange were those who sprayed it. Their health has been monitored for decades. Like the Gulf War vets, they have cancers and heart attacks and children born with birth defects—and they have them at exactly the same rate as vets who didn't go to war.

"My article did not accuse any vets of 'making up their illnesses.' It said that all the vets who are sick either would have been sick regardless of their military service or are suffering from psychosomatic illness, which is real but stems from a person's own mind rather than being organic—from some outside physical cause."

Michael Fumento

Regarding the chemical detectors, as I noted in my article, they are intentionally made to be extremely sensitive. It is not considered a "failure" when they go off in the presence of smoke or dust instead of chemical weapons. It's considered a false alarm. A failure is when you're hit with poison gas and the detector *doesn't* go off. Newman would have us believe that chemical weapons produced "hundreds of dead camels, sheep, and goats" he claims he saw in Kuwait. Again, nobody questions that chemical weapons were in the theater. Nobody questions that the Iraqis used such weapons against the Kurds before the war. But assuming the report of the dead animals is accurate, and assuming they died from chemical weapons poisoning, neither camels nor Kurds could threaten to retaliate against chemical weapons with nuclear weapons, as the Americans did. Thus it hardly follows that the Iraqis had permission to use these things against the Allies.

I will address Sherman Bell point by point.

Point 1: Bell is misunderstanding the medical text he consults. "Normal" in this case doesn't mean it's usually there (in the genital tract), it means that when it's found, that's where it normally is.

Point 2: This is the Duke study, which I already addressed.

Point 3: Let me simply reprint what I wrote: "PB was experimental or investigational only in the sense of its ability to prevent illness from nerve agents. The drug itself comes from a class of pharmaceuticals that has been in use since 1864. Far from being 'unlicensed' [as Gannett's John Hanchette had claimed], it was licensed by the FDA in 1955 to treat a neuromuscular disease called myasthenia gravis." Last I heard, methyl alcohol wasn't licensed by the FDA to be taken internally.

Bell is wrong when he says that "the troops were still taking more [PB] than what some myasthenia gravis patients take, not less." Why? Because the troops took that dosage for about a week; myasthenia gravis patients take it for life. Further, as Bell notes, the range for myasthenia gravis is from 60 milligrams all the way up to 1,500, while the soldiers took 90 milligrams. Granted, all drugs will have side effects in some portion of the population, but with all drugs those effects are more likely to occur and more likely to be severe at the high end of dosage range, not the low end. The vets were almost at the bottom of the range, a full 1,410 milligrams from the top.

Finally, the question is: How can side effects of a drug that washed out of the body in a day continue for years? Is it possible to have no side effects at the time but develop them years later? That's the incredible case Bell is trying to build without the least bit of evidence.

Point 4: Let's see. It's OK to consider everything the Pentagon says a lie but to take at face value testimony from people who claim their vomit glows and their semen burns like "napalm," to quote the latest issue of *Soldier of Fortune*?

Dannie Wolf seems shocked to hear that even members of elite units could suffer hysteria-related illness. But hysteria-related illness has been observed in American soldiers ever since the Civil War, when it was called "soldier's heart." Later it was called shell shock, and later still other names. All these soldiers were "trained to accept pain and drive on," and if Wolf thinks the average Gulf War vet was tougher than the men who fought at Gettysburg and Antietam, he needs to brush up on his history. Finally, Wolf's apparent reference to the soldier who claimed to have developed cancer within a few days of arriving in the Gulf, and his willingness to believe it despite being told this is a medical impossibility, indicates only that no amount of scientific evidence is going to affect some GWS true believers.

Janie Angus says that among the things I missed are the "308 DOD Missing GulfLink Files." Well, maybe that's because they were missing. All I know about this is that some files were removed from the GulfLink Web page, then put back on. Since they were there at one time, even if they weren't all put back, no doubt somebody downloaded them, and they are thus hardly lost forever. Ms. Angus's implication, of course, is that since the known files show no evidence that Americans were exposed to chemical weapons at doses high enough to cause illness, all the evidence must be in the unknown ones. Oliver Stone would find that a compelling argument, but logicians call it a nonfalsifiable one—one that can be neither proved nor disproved.

I haven't the slightest idea of what she's talking about when she refers to research in Kuwait and Glasgow, but I find it interesting that no sooner does she mention these than she rejects the work of a Canadian medical historian, in part because he's "foreign"! Would it make her feel better if she knew that a just-published book by Elaine Showalter called *Hystories* devotes a whole chapter to GWS as a classic example of epidemic hysteria? She's a professor at Princeton University in Princeton, New Jersey. ◆

The Colors of Socialism

Big government, in green, gray, baby blue, and khaki

By John J. Pitney Jr.

No more May Day worker rallies. No more sing-alongs of "The Internationale." No more pin-up pictures of John Reed and Emma Goldman. Old-fashioned red socialism has faded into memory, except in such distant outposts as North Korea and Santa Cruz, California.

Yet socialist ideals survive in new guises. In the 1990s, the rhetoric of class struggle has given way to the language of sustainable growth and economic justice. Leftists still speak of anger and vengeance, but nowadays they are just as likely to talk about compassion and sensitivity. Joe Hill, meet Barney the Dinosaur.

Socialists and socialist wannabes haven't really changed their goals—they've just changed their colors. When you look to the left, you won't see red. Instead, you'll see a spectrum of greens, grays, baby blues, and khakis. At first glance, these shades of ideology all seem different. But beneath the surface, they all pay devotion to the same master: a more powerful government. What follows is a brief spectroscopic analysis of our varied modern socialisms.

Green Socialism. Everybody likes clean air and lush landscapes. If you want to sell statism, you might want to wrap it in green. In 1996, Green Party presidential candidate Ralph Nader gained 651,771 votes (outpolling the Libertarian Party's Harry Browne), and a handful of Greens won local offices. The party's national program (www.greens.org/usa) puts its philosophy forthrightly: "Concepts of ownership are provisional and temporary, to be employed in the context of stewardship and of social and ecological responsibility." While claiming to disown Soviet economics, the Greens also spurn competitive capitalism "because it creates a dynamic of endless growth that is incompatible with ecological sustainability and that fosters greed and domination in society."

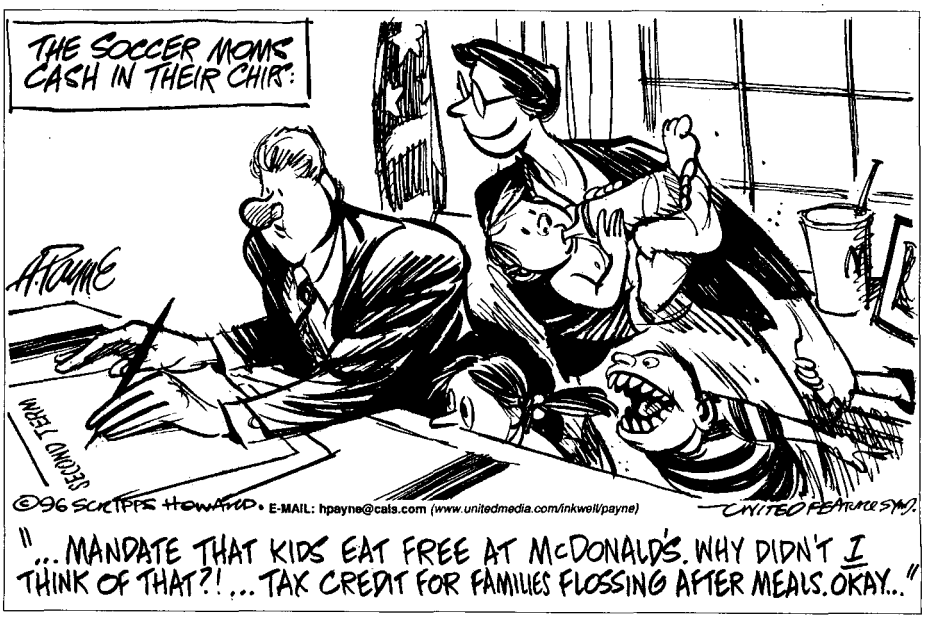
The Greens support public ownership of major industries, a guaranteed minimum income, a mandatory maximum wage, and free health care "under democratic public ownership and control." They occasionally praise decentralization, but all their talk of public control suggests that their model is not the United States under the Articles of Confederation, but Yugoslavia under Tito.

The Green Party program might be too bold for mass consumption, but paler versions are flourishing. In his 1992 book *Earth in the Balance*, Vice President Al Gore says that capitalism's blindness to ecology is "the single most powerful force behind what seem to be irrational decisions about the global environment." Gore proposes a worldwide accounting system "that assigns appropriate values to the ecological consequences of both routine choices in the marketplace by individuals and companies, and larger, macroeconomic choices by nations." He foresees treaties embodying "the regulatory frameworks, specific prohibitions, enforcement mechanisms, sharing arrangements, incentives, penalties, and mutual obligations necessary to make the overall plan a success."

Throughout the book, Gore keeps repeating that he believes in free markets. Right. And Strom Thurmond believes in term limits.

Gray Socialism. The American tradition of individualism holds that able-bodied workers should take care of themselves. Decades ago, supporters of the welfare state realized that they could bypass this resistance by focusing benefits on the elderly, a group with whom everybody sympathizes. Programs for old people, in turn, would create constituencies for more of the same, by creating both a bureaucracy eager to perpetuate itself and citizen pressure groups such as the American Association of Retired Persons raring for more. Social Security thus begat Medicare and SSI.

Large-scale programs for the aged, however, end up affecting everybody. Social Security numbers, which began as a tool for tracking wages, now enable various government agencies to keep an eye on all of us, all the time. Medicare started as a limited effort to help old people with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"...MANDATE THAT KIDS EAT FREE AT McDONALD'S. WHY DIDN'T I THINK OF THAT?!...TAX CREDIT FOR FAMILIES FLOSSING AFTER MEALS. OKAY..."

HENRY PAYNE

medical bills, but to control costs and prevent fraud, Washington has spread bureaucracy and red tape throughout the health care industry. The feds have turned Dr. Kildare into Dilbert.

Proponents of gray socialism want to give the government even more power. The AARP (www.aarp.org) would solve Medicare's problems through a "comprehensive health and long-term care system that provides access for all," with the money from a value-added tax or increased corporate profit taxes. As for Social Security, gray socialists shudder at the idea of letting individuals choose how to invest their own contributions. One alternative is for the government to put much of the Social Security trust fund in the stock market. Many gray socialists favor this approach, since these stock holdings would give Uncle Sam effective control of large swatches of the private economy. President Clinton says the proposal is "quite interesting."

Baby-Blue Socialism. According to a recent poll commissioned by a group of children's organizations (www.kidscampaigns.org), two-thirds of voters are willing to spend additional tax dollars to ensure children's welfare, and three-quarters are more likely to back candidates who support children's programs. Baby-blue socialists take advantage of these sentiments by framing every issue as a children's issue. Unemployment? Parents need jobs to buy food and clothing for their children. The environment? Hey, children breathe!

If you think I exaggerate, check out the 1996 Democratic platform (www.democrats.org), which mentions the words *child*, *children*, or *childhood* 89 times. It says America needs the National Endowments for the Arts and Humanities because "investment in the arts and humanities and the institutions that support them is an investment in the education of our children." Government-subsidized television is essential because "we want our children to watch *Sesame Street*, not Power Rangers." The Consumer Product Safety Commission is "an effective guardian of children and families in and around their homes."

Even arms control becomes a children's issue: "Today, not a single Russian missile points at our children." All that time we were trying to protect the Pentagon and Fort Bragg, the Soviets were really targeting Mr. Rogers' Neighborhood.

Khaki Socialism. During the Cold War, most Americans worried about those Russian missiles. This fear was justified, but it had the unfortunate side effect of encouraging people to let down their guard against government power. After all, who wanted to oppose measures that served our defense needs? The khaki cloak of national security not only led to the growth of the Pentagon, but also provided cover for the expansion of domestic programs. We had to expand education in order to keep up with the Sputnik-launching Russkis, hence the National Defense Education Act. We needed to make sure military vehicles could cross the country quickly, hence the National Defense Highways. Many even argued that poverty and welfare were national security issues, since U.S. slums provided the Soviets with propaganda material.

This political strategy may have seemed outdated at the end of the Cold War, but it's making a comeback. In his 1997 State of the Union address, President Clinton uttered the phrase "national security" only once—and not in regard to the military. "I ask parents, teachers, and citizens all across America for a new nonpartisan commitment to education—because education is a critical national security issue for our future."

During the Cold War, supporters of government defense policy liked to say that "politics stops at the water's edge," implying that dissent was unpatriotic. Adapting this line to his own situation, President Clinton added that "politics must stop at the schoolhouse door." Mind you, he does not want government to stop at the schoolhouse door—he opposes vouchers. Rather, he wants to declare that Washington's role in education policy is off-limits to fundamental debate and disagreement.

Not every issue lends itself to a national-security justification. But big government's friends can disguise this by using military language as a metaphor. In his Depression-era first inaugural address, Franklin Roosevelt spoke of "broad executive power to wage a war against the emergency, as great as the power that would be given to me if we were in fact invaded by a foreign foe." Following FDR's lead, politicians would later declare a War on Poverty, a War on Drugs, and a Moral Equivalent of War on energy shortages.

Such language is supposed to be inspirational, but its implications are disturbing. During wartime, combatants obey orders and civilians set aside their personal misgivings in support of the national effort. Armies and navies are strict hierarchies that administer rewards and punishments based on bureaucratic rules, not marketplace demands. Indeed, former Navy Secretary James Webb calls the military "a socialist meritocracy." If the whole country ran on that basis during peacetime, it would look like...well, a socialist state.

Khaki can be an attractive color. So can green, gray, and baby blue. But once the paint wears off, you might be stuck with something very ugly indeed.

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The Green Party program might be too bold for mass consumption, but paler versions are flourishing. In his 1992 book *Earth in the Balance*, Vice President Al Gore says that capitalism's blindness to ecology is "the single most powerful force behind what seem to be irrational decisions about the global environment."

Youth Appeal

Self-appointed Web watchers are worried that virtual smoking and drinking might lead to the real thing.

By Jacob Sullum

"The Budweiser frogs are particularly troubling." *Troubling* is not the adjective I would have chosen. I could see *cute*, or maybe *amusing*. After seeing them a few hundred times, *annoying* springs to mind. But not *troubling*. I am trying to get inside the mind of someone who could say that with a straight face, but it's scary in there, and I'm not sure I want to go.

I am reading *Alcohol & Tobacco on the Web: New Threats to Youth*, a report issued in March by the Center for Media Education. The authors are Wendy Swallow Williams, a former *Washington Post* reporter who is now a journalism professor at American University; CME President Kathryn Montgomery, "a leading expert on television and media"; and Shelly Pasnik, the CME's director of children's policy, who also had a hand in *Web of Deception: Threats to Children from Online Marketing*. Williams et al. conclude that "[u]rgent action is needed to ensure that effective safeguards are put in place to protect young people from the harmful effects of online marketing of alcohol and tobacco."

Among other things, they recommend congressional hearings, an investigation by the Federal Trade Commission, regulation by the Food and Drug Administration, inquiries by public health agencies, and efforts by the World Health Organization and "the international health community" to develop "effective global safeguards." They never spell out what they mean by "safeguards," but it's clear they have some sort of censorship in mind. "Self-regulation is likely to have little impact," they say, "unless there is effective government oversight and enforcement."

The rationale for censoring the Web goes like this: "The increasing presence of alcohol and tobacco marketing in these powerful new interactive media could pose great public health risks, especially for young people." Yet the authors never provide any evidence (and in fact there is precious little) that advertising and promotion, on the Web or anywhere else, increase consumption of alcohol and tobacco, as opposed to increasing consumption of particular brands. They simply assume that exposure to advertising will lead kids to drink and smoke, and they go a step further, attributing quasi-magical powers to the Web. "[I]nteractivity has a hypnotic and addictive quality that some analysts believe could be stronger than that of television," they warn. "Because of the unique nature of the interactive media, many of these new forms of advertising, of particular appeal to youth, appear to be inherently unfair and deceptive."

The report's authors assume that exposure to advertising will lead kids to drink and smoke, and they go a step further, attributing quasi-magical powers to the Web. "Because of the unique nature of the interactive media," they warn, "many of these new forms of advertising, of particular appeal to youth, appear to be inherently unfair and deceptive."

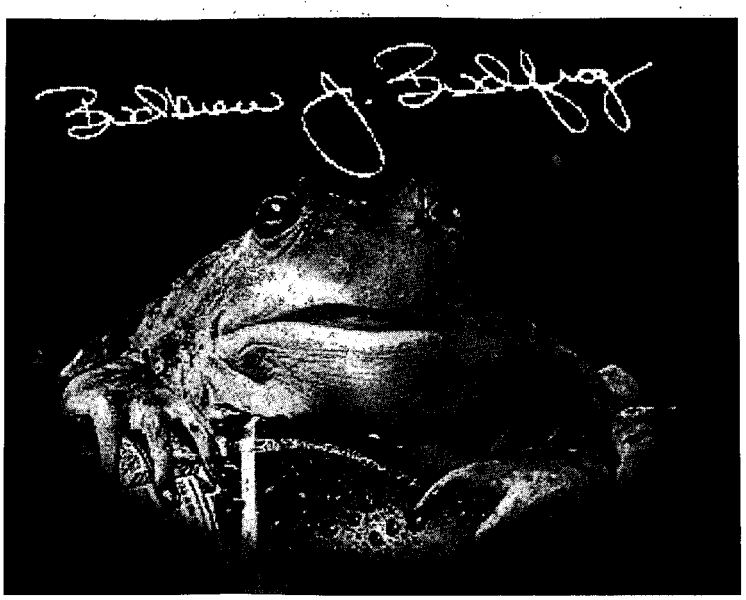
The report is about an inch thick, but the verbose and repetitive text occupies just 35 pages in 12-point type, including a five-page "Executive Summary." The rest is notes, lists, and (mainly) printouts of Web pages. On the face of it, the Robert Wood Johnson Foundation and the Carnegie Corporation, both of which supported the study, did not get much for their money. Yet *Alcohol & Tobacco on the Web* generated a front-page story in *The New York Times* ("On Web, New Threats Seen to the Young") and received respectful coverage from other major newspapers, including the *Los Angeles Times* and *The Washington Post*.

It's not hard to see why. The CME's "major investigation," which *The New York Times* dubbed "the first comprehensive look at how alcohol and tobacco companies are marketing in cyberspace," combines three hot themes: children, drugs, and the Internet.

Exploiting parents' fears about the dangers lurking in cyberspace, already primed by rumors of rampant pornographers and child molesters, Williams et al. warn that alcohol- and tobacco-related Web sites are making "seductive appeals to youth, drawing them into an electronic world of indulgence, freedom, glamor, and fun, where smoking and drinking are the norm, and the negative consequences are never shown. In these realms of cyberspace, dangerous new behaviors can be fostered and reinforced at a particularly vulnerable period in the lives of young people." Although the Internet could be a force for good, "educational and civic services are in danger of being overshadowed and undermined by highly manipulative, intrusive, and harmful marketing methods with an unprecedented ability to capture children's attention."

Take the frogs. "A recent study by the Center on Alcohol Advertising," Williams et al. note with alarm (the way they note just about everything), "found that children aged 9 to 11 were more likely to be able to say the frogs' slogan ('Bud-weiser') than that of Kellogg's Tony the Tiger"—who, the authors helpfully inform

us, "is used heavily on kid's TV to sell Frosted Flakes." If you wanted to quibble, you might wonder whether there's a reason, aside from Anheuser-Busch's nefarious designs on our children, why "Bud-weis-er" is an especially memorable slogan for Budweiser. You might also wonder whether there isn't an important difference between saying it and drinking it. (In a recent survey of teenagers by *USA Today*, 99 percent knew the Budweiser frogs, and 93 percent liked them, but almost none named Budweiser as their favorite brand of beer.)



Does Budbrew J. Bullfrog "have a lot in common with college-age drinkers," as the CME authors fear? His "bio" says he "has memorized the entire Oxford English Dictionary and likes to hang on the beach with a hot babe, a cold Bud and a folio edition of the Kama Sutra in the original Sanskrit."

Never mind. The *real* reason the frogs are so troubling, we learn later in the same paragraph, is that they "seem to have a lot in common with college-age drinkers." As evidence for this assertion, the report cites the biography of Budbrew J. Frog (the one who says "Bud"), which appears in "The Pad," part of the Budweiser Web site (www.budweiser.com). Elected president of his campus fraternity during rush week in 1989 (as a pledge!), Bud "drives a German luxury car, has memorized the entire Oxford English Dictionary and likes to hang on the beach with a hot babe, a cold Bud and a folio edition of the Kama Sutra in its original Sanskrit." Yes, that sounds just like the typical college student.

As the frog example suggests, the report is rather vague about who is threatened by Alcohol & Tobacco on the Web. What, exactly, is a "youth"? On the first page, we're told that "nearly five million youth between the ages of two and seventeen used the Internet or an online service from school or home in 1996." So a toddler is a "youth." On the next page, we learn that "the unique properties of the interactive online media...are particularly appealing to children and youth." So a "child" is not a "youth." On page 4, the authors worry that "[s]creening devices will do little to protect youth in college." Now we're at 18 and older. To confuse things further, on page 32 there's a reference to "underage youth," implying that some "youth" are old enough to buy tobacco and alcohol legally (over 18 and 21, respectively). Where I come from, we have another word for that sort of youth. We call him an "adult." By the time the conclusion rolls around, of course, the authors are talking about "children" again.

This slippery use of language disguises important realities. When it comes to drinking, for example, there's a big difference between a fifth-grader and a college sophomore, both of whom Williams et al. classify as helpless "youths." They call college students "one of the most vulnerable targets of alcohol marketing" and worry that manufacturers, "through the computer,...have a direct line into the dorm room of nearly every student." (Cool. Does it dispense beer?) This is supposed to send a chill down your spine, but it's hard to get worked up about the possibility that college students might check out the Web sites for Absolut vodka or Zima. They see plenty of ads for beer, wine, and liquor on TV, in magazines, and on billboards, and it seems unlikely that a visit to the Republic of Cuervo Gold will tip the balance in favor of inebriation, especially since *they're already drinking.* That's what college students do, wherever the legal purchase age happens to be located. But the CME's self-appointed Web watchers want us to pretend that 18-, 19-, and 20-year-olds are naive teetotalers who might be lured into a life of drinking and debauchery by images on their computer screens.

With such an elastic concept of "youth," it's hard to tell what Williams et al. mean by "youth-oriented devices," "techniques attractive to youth," or "Web sites that target youth." They say "[t]his investigation focused on the role of alcohol and tobacco companies on the Web, with particular emphasis on documenting those practices that target, or are accessible by, youth." Since *everything* on the Web is "accessible by" anyone with a computer and Internet service, this is not very helpful. "To assess whether Web sites targeted young people," the report adds, "we looked at whether the sites used music, personalities or graphics attractive to college- or high-school-aged students, and whether there were contests, sponsorship of youth-oriented music or sports events, interactive games, online magazines (e-zines) on popular culture, brand characters or other promotional devices that would interest young people."

The test for whether something "would interest young people" seems to have been formulated without actually consulting anyone young. The authors made some strange judgments. Samuel Adams, for example, is on their list of "large breweries with corporate Web sites that target youth." Visiting the Sam Adams site (www.samadams.com), one is hard pressed to figure out what they had in mind. Was it the colonial-style illustrations, the photos of the brewery, the tasting notes, the "beer education"? At the Bass Ale site (www.bassale.com), which also made the list, you can tour the Bass Ale Museum, learn about the ale's history, do the Bass crossword puzzle, or order items from the gift shop, including pint glasses, pub towels, and Dickens T-shirts. But it's Guinness (www.guinness.ie) that is most clearly going after the kiddies, offering information on the Guinness All-Ireland Hurling Championship and the Guinness

"Win Your Own Pub in Ireland" Contest. The authors also seem to be under the impression that J&B, Dewar's, and Chivas Regal (all listed under "liquor companies with Web sites that target youth") are popular with teenagers.

Even the alcohol-related Web sites that feature games, snazzy graphics, "virtual bars," or coverage of pop culture are not necessarily aimed at underage drinkers. After all, such things are not the exclusive province of teenagers, and the hipper sites (the kind Williams et al. are apt to consider "youth-oriented") include features that suggest an older audience. The Goldschlager site (www.schlager.com) offers an interview with Joey Ramone and a review of a Pharoah Sanders album, and it has links to cigar.com and DineNet, which provides menus from restaurants in various cities. The Budweiser site has a chat room and posters of bikini-clad women, which might appeal to adolescents, but it also sells fishing vests and offers an online magazine, *The Great Outdoors*, with articles on conservation and hunting and shooting safety—not exactly kids' stuff. Williams et al. seem blind to such cues. As an example of a music event "with particular appeal to young people," they cite a blues musicians' tour sponsored by Southern Comfort. I suppose some teenagers drink bourbon and listen to the blues, but I don't know any.

Although Williams et al. emphasize pages sponsored by manufacturers of alcoholic beverages, these represent only 35 out of about 250 alcohol-related sites they examined. The rest consist of vendors, online magazines, and personal sites (homepages offering beer recipes, lists of favorite pubs, rules for drinking games, wine information, and so on). Presumably, "effective global safeguards" and "effective government oversight and enforcement" would need to be directed against not just Budweiser but also *Cocktail* magazine (www.cocktail.com) and Andrew Wilson's Simpsons Drinking Game (watarts.~waterloo.ca/~a2wilson/simpsons/simpdrink.html).

Manufacturers play a smaller role in the 50 or so smoking-related sites perused by the CME. The researchers found only three sites that actually advertised cigarettes—all in German. Not to worry. "Because of the ephemeral nature of the Web, content can change very rapidly," the authors assure us. "It is important to remember that, just because something is not there yet, doesn't mean it will never emerge." They also note (over and over again) that Brown & Williamson sponsors an online magazine called *Circuit Breaker*, promoted in ads for Lucky Strike, that offers free T-shirts (but makes no mention of cigarettes). In describing the other tobacco sites—which include magazines, personal homepages, and sites sponsored by smokers' rights groups—the authors repeatedly say that, while no industry connection is apparent, the possibility of secret support cannot be ruled out.

The Smoker's Home Page "has a hip, rebellious tone, and avidly promotes smokers' rights," the authors note with horror. "The topics are very pro-smoking, with no attempt to balance the presentation of the issues." And, "In this entire study not a single Surgeon General's warning was found on any tobacco site."

This obsession with corporate ties is odd, since it's clearly the message, not the messenger, that bothers Williams and her co-authors. "A pervasive online Smoking-Is-Cool culture has emerged on the World Wide Web which runs contrary to the prevailing attitudes among most Americans about smoking and health," they complain. "The smokers on the Web appear to have a strong sense of community. There are many links between the lifestyle sites and the pro-smoking organizations, so it is easy for a Web surfer to find one from the other."

A Web site devoted to clove cigarettes (magnaweb.com/cloves) offers detailed information about the product's special hazards. As far as the authors are concerned, that's not good enough, because "this site also promotes clove cigarettes as sophisticated and exciting." It's "a good example of how the Web's ability to bring together far-flung people with like-minded interests can manifest as a troubling force. This site gives the few individuals who smoke clove cigarettes a forum for sharing their unique and dangerous habit." It's bad enough that dissidents dare to question "prevailing attitudes." But to have so many of them expressing their deviant views and freely associating with each other in cyberspace is just intolerable. Something must be done. We need effective safeguards.

The Smoker's Home Page (www.tezcat.com/~smokers/) opens with a caveat: "WARNING! This page may be hazardous to anti-smokers' blood pressure. Quitting now may greatly reduce your chances of moral outrage." Williams et al. should have listened. "The site has a hip, rebellious tone, and avidly promotes smokers' rights," they note with horror. "The topics...are very pro-smoking, with no attempt to balance the presentation of the issues." To top it all off, "In this entire study not a single Surgeon General's warning was found on any tobacco site."

Occasionally, the report's authors remember that they're supposed to be talking about the threat to "youth" posed by these distasteful Web sites. Then they throw in comments like, "Some of these sites have elements that could be attractive to youth, particularly young teenagers curious about smoking."

To show how The Smoker's Home Page appeals to "young people," Williams et al. note that the site "offers smoking-related audio, including songs from such popular groups as the Doors, the Beatles, Alanis Morrisette, and the Rolling Stones." The kids today—they love the Stones. Dismayed by "the astonishing proliferation of cigar sites," Williams et al. observe that "[t]he majority of computer users are still young, well-educated, middle-class males in their twenties and thirties, just the target market cigar companies are seeking." Two pages later, they warn that "the lifestyle culture and glamor used to sell cigars could be attractive to under-age smokers." Please. Bring back the frogs.

Senior Editor Jacob Sullum (jsullum@aol.com) is the author of a book on the anti-smoking movement, forthcoming from The Free Press.

Hong Kong Blues

Post-takeover, the media forecast is dark and gloomy.

By Adam Clayton Powell III

"It's so gloomy," said a longtime Hong Kong media watcher. She was referring to the overcast sky and drizzling rain, seasonable weather there in March.

But with less than 100 days until the British hand over Hong Kong to the Beijing government on July 1, that climate has also settled over Hong Kong's media. And the forecast suggests that the clouds won't be lifting any time soon, either. Although Beijing's designated ruler for Hong Kong, Tung Chee-Wa, has said that freedom of the press will be preserved, he seems to be thinking in terms of the mainland's definition of open dialogue.

Consider these snapshots from the March 19 issue of a leading English-language daily newspaper, the Hong Kong *Standard*:

• A front-page story about negotiations over whether advance units of Chinese air and ground forces will be on armed patrols—before July 1.

• Inside, on page 2, a brief story about the release of anti-Beijing protesters on bail pending their trial later this year—under Chinese rule.

• Deeper inside, a story about Tung Chee-Wa's claim that it is currently illegal for anyone to say, "Down with the Queen." Chris Patten, the colony's present governor, said Tung was misinformed.

• A short item on the last set of Hong Kong stamps featuring the image of the British queen, an event that led to lines outside of post offices, as thousands of people stood for several hours to try to buy what are soon to become collectors' items. (The Hong Kong government's Commission against Corruption is investigating charges of speculation. They were shocked —*shocked!*—to find collectors trying to buy the new stamps at face value so they can turn an easy profit after July, when their value is likely to skyrocket.)

But the most interesting barometer of media climate was the front-page news on March 17 that Xinhua had just announced it would end its high-profile defense of Beijing policy. In the rest of the world, Xinhua is known as the official Chinese news agency. But in Hong Kong, Xinhua has also served as Beijing's diplomatic outpost, issuing Chinese visas and other official government documents. When the voice of Beijing and its official representative in the crown colony announces it will no longer speak out, there might be more there than the statement's text suggests.

One veteran Hong Kong journalist provided the interpretation: Who needs official propaganda when China no longer has any critics in the Hong Kong media? He's right. The Hong Kong media have become, to echo Sir Arthur Conan Doyle, the journalists who don't bark. One by one, the newspapers, magazines, and broadcasters have imposed self-censorship, deleting any language that could be construed as even mildly critical of any Chinese policy.

Not to worry, says another journalist, who asks that his name not be used. It's not ideological. It's not political. It's just business, he explains. News organizations have too much invested in Hong Kong to risk offending the new rulers.

Judging from the *Standard*'s response, which is typical, the result is predictable: What do you do when Beijing suspends all travel visas from April to August for relatives and other visitors from China? Just print the official statement; don't go any further.

Need to write an editorial on politics? Criticize the British and Chris Patten, the British governor: "Patten stirs for the sake of doing....He has nothing to do." But remain eerily silent on Tung and his superiors in Beijing.

Politics has even been largely removed from the front pages, in favor of huge play every day for stories on bookies trying to fix horse races (shocking, shocking), a sprinkling of stories on the U.S. political fund-raising improprieties, and an endless variety of police-blotter stories.

As recently as last year, this was not the case. Independent reporters and editors at Hong Kong's news organizations wrote strong stories about China and Chinese politics, albeit sometimes in code. But the code was not too subtle, and Beijing did not need an Alan Turing to translate the articles. Now even the coded stories have receded from view.

Milton Mueller, a Rutgers professor and widely respected expert on Hong Kong media regulation, is in the colony to study the changes in the media as July 1 approaches. He also has a U.S. passport and is planning to leave, so he can speak more freely than he can while in Hong Kong. "People simply are being very cautious about

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The *Standard*, Hong Kong's English-language daily newspaper: Politics has been largely removed from the front pages, in favor of huge play every day for stories on bookies trying to fix horse races.

who they are associated with and what they say and who they say it about," said Mueller at a March conference held by the Freedom Forum, a nonpartisan international media research foundation.

Mueller cited the case of Jimmy Lai, the publisher of *Next* magazine and one of the best-known and most outspoken journalistic critics of Beijing policies. Lai once said he would go down fighting, as a matter of principle. Now he has reversed himself, saying it is for the good of his staff. What happened? Lai was trying to take his highly successful publishing company public on the Hong Kong stock exchange. And he told Lesley Stahl of CBS's *60 Minutes* that the day after his Hong Kong newspaper called one influential Beijing pol "a turtle's egg" (a not-too-polite way

As recently as last year, independent reporters and editors at Hong Kong's news organizations were writing strong stories about China and Chinese politics, albeit sometimes in code. Since the code was not too subtle, now even the coded stories have receded from view.

of questioning the identity of one's father), the Chinese government confiscated Lai's businesses, scaring away his financial backers.

If there is a free news medium left in Hong Kong, it would seem to be the Internet: In January, the Hong Kong government announced it was going to back away from all of its previously announced proposals to regulate on-line content, opening the digital world to free expression.

But self-censorship is as strong online as over the air or in print: Mueller and others report Internet service providers are growing reluctant to do business with critics of the Chinese government, or to host sites that are critical of Beijing. They want to stay in business after July 1.

Ah well, not to worry: It's not ideological. It's not political. It's just business. ◆

Adam Clayton Powell III (apowell@alum.mit.edu) is vice president of technology and programs at the Freedom Forum.

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Shut Up, They Explained

The speech police discover "zero tolerance."

By Walter Olson

"I know one thing," said Maureen Dowd when she joined the Washington bureau of *The New York Times*. "I'm not going to be covering any of those dreary regulatory agencies." Too bad. We already have more than we need of political coverage that chronicles the doings of high officialdom while glossing over the details of how government actually works its day-to-day will on the citizenry. It's as if pundits were forever recording every change in restaurants' ownership and management without ever sampling the food.

The very dreary Equal Employment Opportunity Commission typifies the sort of agency that would come under constant press scrutiny in a more sensible world. How much power does the EEOC wield? Well, as Washington's chief interpreter of harassment law, it gets to put out guidelines on when tasteless or insensitive banter, e-mail, or photocopier humor at everyone's workplace reaches the unlawful point of imposing a "hostile environment" on co-workers. Put differently, it gets to strut about as a sort of Flirtation Monitor and Joke Cop.

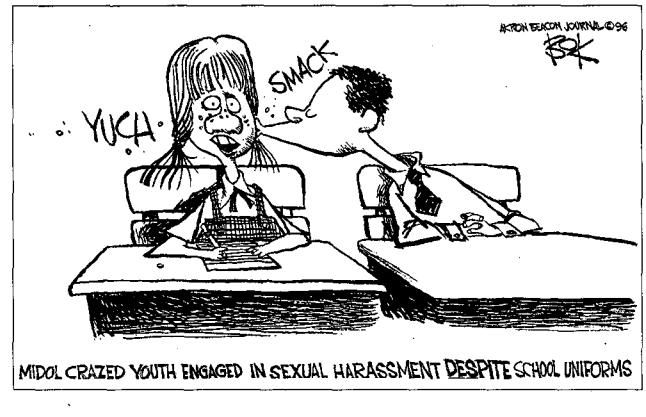
Hostile-environment law has posed a running affront to free speech principles ever since Professor Catharine MacKinnon, the Savonarola of Ann Arbor, helped dream it up. Now we seem to be entering a new phase, summed up by a catchy slogan: "zero tolerance" of harassment and of discrimination more generally. It's all the rage: The Department of Veterans' Affairs and the Department of Agriculture have recently proclaimed zero tolerance policies; so have big businesses galore, such as New England's Fleet Bank, along with the Boston "T" transit system and various bureaus of the Los Angeles city government. Legal pressure inevitably plays a key role: Giant printer R.R. Donnelley pledged zero tolerance after it got sued for allegedly allowing racist expressions in internal e-mail, while former Labor Secretary Lynn Martin recommended a zero tolerance policy in a report for lawsuit-besieged Mitsubishi Corp. An official with the federal Civil Rights Commission complained that while St. Petersburg, Florida, had adopted a zero tolerance policy for its police department, it had not enforced that policy as avidly as had neighboring Tampa.

When it comes to harassment and discrimination, in short, everyone's in favor of zero tolerance—whatever that turns out to mean. But what does it mean?

To get a better idea, consider the case of zero tolerance policies on other subjects, such as contraband at public schools. Zero tolerance weapons codes meant that Louisiana second-grader Kameryn Lueng was sent to a disciplinary school for bringing to show-and-tell her grandfather's watch fob, which "has a small blade used for cleaning fingernails." Schools have likewise expelled an Indianapolis honor student who had in her possession a Swiss Army knife, an Atlanta fourth-grader whose uncle gave him a pocket blade that he used to carve initials in trees, and a girl whose little brother dropped a knife in her bag after using it to cut Play-Doh. In case after case, the zero tolerance slogan steeled officials to set aside any impulses of mercy and resolve doubts in favor of firmer suppression, more severe penalties, and less back talk from the accused.

Zero tolerance school drug policies have worked the same way: Midol and Advil tablets can't get you high, but drugs are drugs. Are violations minor, debatable, borderline, unwitting? Who cares? In March school officials in Bremerton, Washington, suspended 15 middle school students for passing around and tasting Alka-Seltzer tablets on school property. The three-week penalty could be cut to three days, said school officials, if the kids agreed to enter "drug-awareness classes and counseling."

Much of hostile-environment law is in practice a law of contraband, in which Goya prints on the walls, *New Yorker* cartoons posted in cubicles, and copies of *Playboy* in the firehouse have all been treated as guilty-objects-in-themselves with no need to show malign intent. Draft EEOC guidelines have banned "circulation" of offending materials anywhere on an employer's premises, which includes the inside of workers' closed desks and lockers. And even more central to hostile-environment law is the suppression of what the EEOC has delicately labeled "verbal conduct"—or, to call it by its more customary name, speech. And here we come to the nub of the problem. The real message of zero tolerance harassment policies is that henceforth there's to be no benefit of the doubt given to debatable or borderline speech.



CHIP BOK

Zero is the theme number of absolutism, and of course absolutism does have its role to play on questions of speech: The forgotten First Amendment provides that Congress shall make "no" law abridging the freedom of that activity, which is pretty zero-ey. But who'd have dreamed that the tables would have turned to the point where it's the opponents of free discourse who now boast of follow-

ing absolutist policies, while the few remaining supporters dither about the need for balancing of competing goods?

At the Defense Department, yet another outpost of loudly proclaimed zero tolerance, the dramatic announcement by five Army women that they'd been arm-twisted into agreeing to make false charges of sexual abuse seems to have done very little to break the momentum of *Crucible*-esque accusation. Nor did anyone pay much heed in January when Adelyn Lee, a former girlfriend of Oracle Corp. CEO Lawrence Ellison, was convicted by a California jury of two counts of perjury and two counts of falsifying evidence in her sexual harassment and wrongful-firing case against the company. The jury found she'd used a supervisor's password to forge a crucial piece of e-mail backing her claim; cellular phone records showed he'd been driving at the time he supposedly sent the message.

Is a pattern developing here? Federal Judge Kenneth Ryskamp angrily threw out, as a "fraud on the court," the harassment suit filed by housemaid Maria Vargas against merger mogul Nelson Peltz. Vargas came up with her prize exhibit late in the case, when she produced a pair of panties she said Peltz had asked her to model in; her lawyer, G. Ware Cornell of West Palm Beach, waved the panties in front of TV cameras and called them a "smoking gun." "When it's 'he said, she said,' " Cornell crowed, " 'she said' wins. You can take that to the bank." But Peltz's investigators managed to show that the panties, made in Hong Kong, had not even been sold in the United States until nine months after the supposed incident. It turned out the 100-percent-polyester-lined garments are sold only through Target discount stores, three pairs for $7.77—not exactly prime shopping turf for Peltz, whose wealth was estimated in a 1993 *Forbes* survey at $460 million. Vargas was identified in an affidavit as a regular shopper at a Target near her house.

False accusations aside, I don't think I'd care to be the kind of person who shows zero tolerance for affronts in conversation or manners—tightly wound, we used to call it. Yet we're well on the way to enshrining that kind of touchiness as national policy. In engineering parlance, if I have it right, the opposite of zero tolerance specs are specs that allow for play in the joints, that are "forgiving." What an odd, ungovernmental word.

As zero tolerance becomes the new norm, the City Council of Cleveland has just done its own pioneering bit for the cause: It has seen fit to pass an ordinance criminalizing job bias. The new statute, which went into effect last December, makes it a misdemeanor punishable by a minimum penalty of $1,000 or three months in jail to fire, demote, or refuse to hire anyone based on "race, religion, color, sex, sexual orientation, national origin, age, disability, ethnic group or Vietnam-era or disabled veteran status."

As a legal matter, harassment is considered a form of discrimination, which means that in Cleveland from now on those off-color cartoons and ethnic jokes are going to be possible grist for the prosecutor, and plaintiff's lawyers will be using threats of referral to the district attorney as a club in settlement demands. Quite aside from issues of harassment, of course, discrimination law consists in large part of a morass of gray areas and judgment calls where forbidden conduct shades into permitted, so that employers must guess as to whether or not their decisions today will someday be adjudged lawful or not. Now, in Cleveland, they get to wager their managers' personal liberty as well as their bank accounts. The EEOC says you may be discriminating if you turn away job applicants with hard-to-understand accents or criminal records—"disparate impact" against minorities, you know. Employers have in the past lost civil cases in which they've declined to hire former convicts. Now, if they are so unwise as to have located their operations in Cleveland, *they* are the ones who may go to jail.

REASON's editors have been kind enough to invite me to write a monthly column, of which this is the first number. Regulatory outrages won't be the only topic, but I know one thing: I'm not going to be covering any of those dreary presidential elections. ◆

Contributing Editor Walter Olson (hambo @eci.com) is a senior fellow at the Manhattan Institute and author of The Excuse Factory, *to be published by The Free Press in June.*

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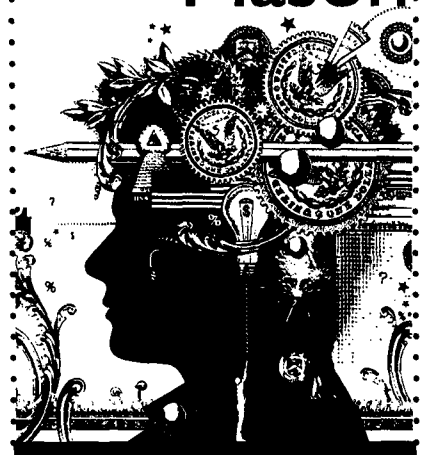

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100 Percent Off

By Susan Lee

Everything for Sale: The Virtues and Limits of Markets, by Robert Kuttner, New York: Alfred A. Knopf, 410 pages, $27.50

Anyone reading Robert Kuttner's *Everything for Sale: The Virtues and Limits of Markets* will probably be left with one burning question: Who put the huge bee in his bonnet?

This book is as ill-natured as any I have read in a long time. Despite the title, Kuttner finds little virtue in the market and none in the economists who admire it. Indeed, he dismisses some who have won Nobel prizes as stupid, banal, and extreme. Like the verdicts in the O. J. Simpson trials, the function of the market is not, apparently, a topic which sensible people can debate amicably.

Kuttner is a columnist for *Business Week* and co-editor of *The American Prospect*. I used to read him when he wrote for *The New Republic* and while I hadn't read him in a long while, I seem to remember his work as good-natured lefty stuff; I certainly don't remember (and this I would definitely recall) his pretending to know anything about economics. Yet here he is, bloviating like mad. Trouble is, he still hasn't learned any economics. As anybody who has had the remotest connection with a basic economics course knows, most concepts have rather precise meanings. Unfortunately, those meanings have nothing to do with the meanings Kuttner thinks they have.

Take the fifth chapter, on "Money Markets and the Corporation." The first sentence—"Financial markets are the very essence of capitalism"—is fine. But the very next sentence throws up a mighty fog: "They are markets whose product is money itself." Well, no. Actually, the product of the financial markets is credit. Not a difficult concept, either: Financial markets link up lenders with borrowers; they bring together those with money to spare and those who need some cash, but they do not create money. The chapter also harbors an utterly fuddled discussion of the Efficient Market Theory. Here Kuttner seems ignorant of the central concept that stock prices reflect available information at a point in time and change with new information; he seems to think the Efficient Market Theory argues that stock prices are "accurate."

Hence, Kuttner takes the stock market crash of October 1987 as proof positive that the EMT is wrong. How can prices be accurate one minute and not the next? Especially when, he writes, the market crashed even though there was "scant change in the prospects of the underlying assets represented by the stocks." I hope Kuttner doesn't manage his own portfolio. There were indeed plenty of reasons to change one's mind about the future, including the secretary of the treasury's hint that the dollar would be allowed to fall free against the German mark in a kind of devaluation war and monthly data indicating that the economy was weaker than expected. The '87 crash reflected that unexpected change in the economic climate, and, when the Federal Reserve rushed to the rescue with lots of liquidity, the recovery in stock prices reflected this new information as well. Just as the Efficient Market Theory would predict.

As anybody who has had the remotest connection with a basic economics course knows, most concepts have rather precise meanings. Unfortunately, those meanings have nothing to do with the meanings Robert Kuttner thinks they have. He says financial markets "are markets whose product is money." Actually, the product of financial markets is credit.

Swinging from mistake to mistake, Kuttner goes on to misunderstand the Capital Asset Pricing Model. That's the nifty little notion that returns are a function of risk—a combination of the risk-free rate and market risk, to be exact. It's a beautifully useful achievement, but it's not good enough for Kuttner, who complains that the CAPM leaves out "unique" risk—by which, I can only assume, he means nonsystemic or nonmarket risk. Thus, he whines, what good is a model that could not predict that Toyota would trounce Chrysler—or prevent investors from suffering the consequences of (the nonmarket risk of) having bought Chrysler rather than Toyota stock? Well, duh. Beyond the rhetorical malfeasance of blaming a cat for not being a dog, nonmarket risk is what investing is all about.

The determined display of ignorance continues. Kuttner points to the debacle in the savings and loan industry as evidence that regulation is worthy. He omits the fact that the crucial factor—taxpayer-backed deposit insurance—was left in place. That insurance, of course, provided a government guarantee for all the bad risks that the thrifts took on. Indeed, deposit insurance, by creating perverse incentives for thrifts to gobble up high-risk, high-return investments in order to compete in the deregulated part of the business, was almost a form of entrapment. Contrary to Kuttner's opinion, the resulting debacle says more about the folly of regulation than the dangers of deregulation.

OK, I'll stop even though we haven't finished with Chapter 5. But if you multiply the errors so far by nine (the total number of chapters in *Everything for Sale*), you can see why, in its own way, Kuttner's book offers a breathtaking demonstration of why economists go berserk when civilians venture onto their turf.

It's also unfair for Kuttner to write so many mean things about something he doesn't even vaguely understand. Of course, even if Kuttner knew what he was

Robert Kuttner tut-tuts that the choices a supermarket offers are a sign that consumers are manipulated beyond "any rational need" by food conglomerates.

talking about, he still wouldn't like the market. The term *free market* has become shorthand for just the sorts of things of which Kuttner has never been fond: choice, responsibility, risk, change, impersonal verdicts, and freedom from central authorities and "experts" like, well, Kuttner.

Consider his feeling toward supermarkets. (Yes, supermarkets. In a half-hearted attempt to find virtue in markets, Kuttner treats us to his opinion of supermarkets.) Do those endless aisles of almost all the products under the sun delight him? Inspire him with the goodness of an invisible hand that produces and procures 150 different brands of breakfast cereal? They do not. Kuttner, the grim schoolmarm, tut-tuts that we don't want or need all those choices; the choices are a sign that consumers are manipulated beyond "any rational need" by food conglomerates.

Right. Those wily food congloms use their precious shelf space to stock cereals that nobody wants or buys. Those sneaky food congloms would rather engage in an awesome display of untrammeled power than turn a profit. And their shareholders agree with that strategy. Who would want a decent return on an investment if they can fill Kuttner with disgust?

Not to put too fine a point on it, but Kuttner is suggesting that it's much better to put him in charge of determining the tastes of the cereal-eating public. Why divert scarce resources to pleasing the many when the one, Kuttner, knows better? It's much more efficient—in Kuttner's dopey interpretation of the term—to make only four or five kinds of cereal. And it's certainly kinder to consumers to restrict their choices so as not to befuddle them.

I confess that I can't imagine why anybody would buy nonmicrowaveable oatmeal, yet people do. The lovely thing about the market is that it makes possible both kinds of oatmeal, and then some. That's the way the market works, and that's probably why the bee in Kuttner's bonnet is buzzing so loudly.

Susan Lee is the author of Hands Off: Why the Government is a Menace to Economic Health *(Simon & Schuster). She is a senior editor at* Forbes *magazine.*

The Prisoner

By Charles Paul Freund

PBS: Behind the Screen, by Laurence Jarvik, Rocklin, Calif.: Prima, 336 pages, $25.00

When the debate over continued federal funding of public broadcasting was at its height a year or so ago, some public TV stations started offering an unusual "premium" during their seemingly incessant funding drives. Along with the inevitable logo-embossed umbrellas and tote bags, these stations offered to send you, in exchange for your pledge of financial support, a tin cup. The cup was of course intended to evoke the image of a street beggar, which is what high-minded PBS would have you think it had been reduced to by appalling congressional Babbittry.

But that tin cup just as easily—and more accurately—evoked quite a different image: that of the restive prisoners featured in a whole series of 1930s Warner Brothers prison movies, the jailbirds who signaled their common displeasure at Big House injustice by rattling their tin cups against their bars and trying to drive their guards crazy.

The street beggar pretense is wearing pretty thin anyway. For one thing, PBS stations have more money than they let on in their public posturing, one of the central arguments offered by Laurence Jarvik in his critical history, *PBS: Behind the Screen.* Jarvik, a longtime PBS critic in the pages of the journal *Comint,* published by the conservative Center for the Study of Popular Culture, believes that PBS is so flush it could, by selling shares or making other adjustments, probably forego subsidies entirely.

PBS, writes Jarvik, "has grown into a multi-billion dollar worldwide multimedia empire....In addition to their on-air activities, public broadcasters publish magazines and newsletters, classroom study guides and textbooks, and provide computer programs, online services, and sites on the World Wide Web. They host conferences; license toys, games and clothing; stage live shows; run mail-order catalogs and retail stores; and distribute videocassettes and compact discs. From these activities, a large industry has grown that parallels commercial broadcasting."

And that's not all. PBS is making all sorts of lucrative business deals for itself, as well it should. Jarvik cites a $75 million dollar arrangement with *Reader's Digest* to produce shows, a distribution deal with Turner Broadcasting, and the announcement of a Children's Television Workshop cable channel. That's why the jailbird image seems so natural a connection to that brandished tin cup: PBS really seems to have become a prisoner of its own cultural pretensions. Despite its continuing claims of providing generalized media uplift for us all, what PBS has generated is a viewer culture of its own; that's what all successful media do over time, and there's nothing necessarily wrong with it. In PBS's case it has precious little to do with general uplift, and much more to do with the middle-

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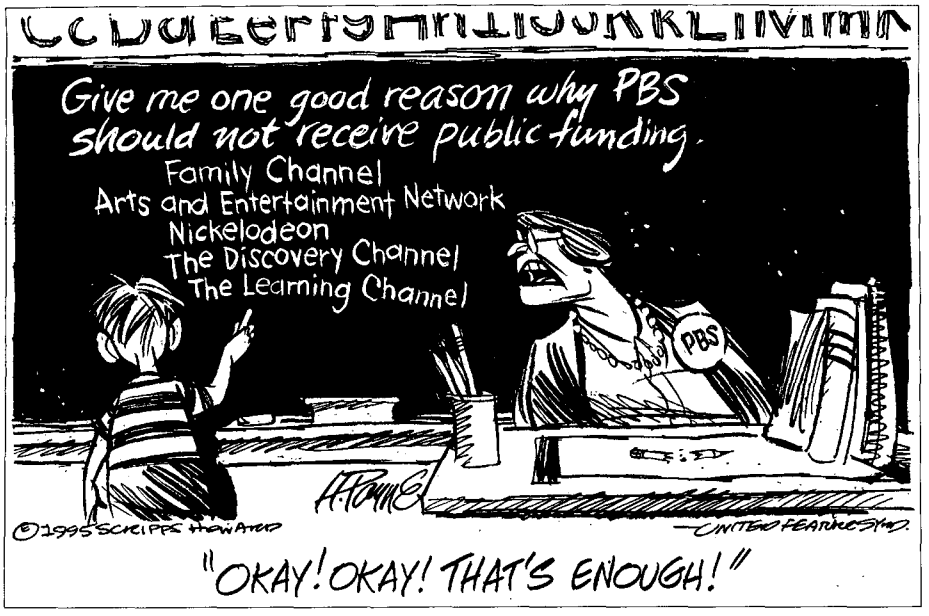

brow aspirations of the 2 percent of the public that tunes in, but never mind that for now.

Because PBS is in part federally funded, it has been mired for 30 years in a debate with conservative critics like Jarvik over whether its programming is sufficiently "balanced," whether every point of view held by taxpayers has gotten a fair shake. This is a perfectly legitimate argument, because for all the good—or merely defensible—programs PBS has broadcast, it has a long history of airing shows that it has hung like "Kick Me" signs from its own corporate rear. Jarvik has had a good time at PBS's expense here and elsewhere in his work, and why shouldn't he? There's no reason why people's taxes should have been extorted to underwrite such things as a Shirley MacLaine documentary love note to Maoist China, or the tendentious moralisms of Bill Moyers (who as a contract producer has supposedly been goosing PBS for all the golden eggs he can collect), or incomprehensible celebrity pilgrimages, such as those that have sent Goldie Hawn to India and Richard Dreyfuss to the Galapagos.

If PBS would just drop the fiction that it is doing everybody a metaphysical favor simply by existing, it could get out of this argument and go about the business of being whatever it wants to be in peace. Only 14 percent of its budget comes from the federal government in the first place, notes Jarvik, and its recent claims of looming catastrophe have reportedly resulted in an increase in viewer pledges. Given the endowments it has accumulated, the willing corporate underwriting it enjoys (PBS is a real dance floor for the nation's cultural and managerial elites), the philanthropic support it receives, and a better cut of the profits from toys, books, and other spinoffs from its shows, it could probably make a transition to self-supporting nonprofit status without a great deal of radical change, although it would certainly want to do something about its nightmarish organizational bureaucracy. ("A series of meetings interrupted by an occasional program," is how one PBS veteran has described the network.)

Why doesn't it? Well, there's nothing like being on the federal dole and maintaining considerable prestige at the same time, a Great Performance if there ever was one. But there's another possibility: that this endless argument is by now actually embedded in PBS's identity; that PBS minus public-funding controversy would be just more middlebrow TV programming; that the federal underwriting translates into a "mission" that endows PBS with broadcast grace, and that the sniping that is part of the package is the necessary penance of media sainthood.

PBS is beating its tin cup on a cell whose door it has itself closed. Number Six in *The Prisoner*, a signature PBS show from Britain (that actually first appeared here on a commercial network) spent his episodes wondering who his jailers were; PBS's own twist on the narrative is to leave observers wondering why the broadcaster chooses to remain imprisoned in its subsidized status at all. Jarvik is one of these. The profit motive, he argues, is not inimical to quality, "the marketplace can create strong incentives" for PBS to produce better shows than it is now doing. Anyway, PBS is running out of time and alternatives.

Although this is the only independent critical history of PBS ever to appear —a measure of just what a sacred cow that institution has been—much of Jarvik's argument is a familiar story. There have been a number of book-length institutional studies very hard on aspects of PBS's operation, and Jarvik is able to quote from criticism by the Brookings Institution and the Twentieth Century Fund to buttress his contentions that the constraints on PBS often translate into bland programming and that the network is a managerial mess.

As it happens, your reviewer once interviewed the author of one such study (neither of those cited), a very hard-hitting look at the network that concluded that public broadcasting had failed to live up to its visionary mandate and needed to be completely rethought. When asked if he found any of its programs worthwhile on their own terms, the study's author hesitantly admitted that he had never actually seen a PBS show (and asked that his confession be off the record). With critics like that (and decades of compliant Democratic Congresses), PBS's continued successful mendicancy is not much of a surprise.

But if PBS has resisted reform in the face of years of criticism, the technological—and therefore cultural—context in which the network operates has been changing a great deal. Van Gordon Sauter, the former CBS News president who did a spell with Sacramento's PBS station, writes in his succinct introduction to Jarvik's book that "[u]nless it can be changed, PBS will be totally marginalized over the next decade or so by the emerging technologies, and the new upscale networks" like the Discovery Channels, the A&Es, and the Bravos. Sauter (who admires the kids' shows) thinks that will be too bad, because a real nonprofit public TV service unconstrained by bureaucratic taste, and freed from its role as a "middlebrow entitlement," would be an

HENRY PAYNE

asset to the country and especially to local communities, which currently go largely unserved. (C-SPAN, though not the programming equivalent of PBS, is a real nonprofit public TV service.) Many PBS stations, writes Sauter, "exist primarily as PBS retransmission facilities, housed in money-raising factories," and he welcomes their likely extinction.

In fact, Jarvik has been smart enough to festoon his case with citations from unhappy members of the PBS "family." Among the most notable of these is a 1988 quote from documentarian Frederick Wiseman, who testified before Congress that "[p]ublic television is a mess. The fact that it is a mess is not a secret. Everybody knows. What is strange is that nothing is done about it." What makes that assessment notable is that Wiseman's films about schools, courts, and welfare have grown to such length that nobody except PBS is likely to show them. That even he is willing to criticize PBS so severely is a sign of the network's problems.

Jarvik's examination of those problems is not so much an institutional history of PBS as it is a journalistic report, heavy with interviews, on the development of signature PBS shows and types of shows, with chapters devoted to, among others, *Sesame Street*, *Masterpiece Theatre*, Bill Moyers's various offerings, *Firing Line*, *The NewsHour with Jim Lehrer*, the family of home fix-it shows and cooking programs, and the nature documentaries. A chapter is devoted to *Monty Python's Flying Circus*, which seems to be Jarvik's own favorite (although he points out that it was never a part of PBS's core schedule).

The most effective work Jarvik offers is his examination of PBS's top-down educational and cultural philosophy (in, for example, *Sesame Street*), and the growth of corporate involvement in building a schedule (especially the case of the Mobil Corporation's role). The least effective reflects his conservative concern with even-handedness, especially when addressing such programs as *Frontline*, a longtime target of conservative ire. Even if one concedes for the sake of argument that conservative complaints about government-funded "propagandizing" of viewers have public policy legitimacy, Jarvik himself is arguing for the privatization of the system, which would make the fairness question moot. Besides, the imposition of a Fairness Doctrine on PBS was always a prescription for blandness and a likely excuse for establishing a direct censorship mechanism, and in the end would have served no one. Better just to pull the plug; better yet to privatize.

Jarvik's conservatism has littered his argument with a number of questionable judgments. PBS programs about televangelists like Jim Bakker were not "anti-Christian," as Jarvik asserts; they were anti–con men. There was nothing wrong with a PBS show that painted Father Charles Coughlin as a fascist; that's a restrained characterization. Suggesting that *The Life and Times of Rosie the Riveter*, a film about the role of women in wartime industry, was a work of feminist revisionism is unfair; the film portrays something that happened.

Established as a medium of social and educational uplift, public TV is by now a redoubt of self-professed enlightenment. It is rare to hear its pitchmen speak of either education or uplift anymore; they speak of bringing their viewers more of the shows they like.

A whole chapter of Jarvik's book is devoted to one program, *Liberators*, and that is disproportionate. The story the 1992 film told of concentration camps being liberated by black American soldiers was revealed to be false; the program was, deservedly, a severe embarrassment to PBS. But documentaries and news stories that are fraudulent are hardly peculiar to public TV. There's only so much legitimate mileage to be gained from such cases without falling into mere bashing.

Still, readers who are neither reflexive defenders of PBS as a fount of culture, nor reflexive critics of it as a left-wing propaganda machine, will find useful material in Jarvik's history, not least because public TV as it has developed is a riveting example of unintended mass media consequences arising from state intervention in cultural exchange.

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That's far from the elitist philosophy that shaped PBS's establishment. "Excellence," as defined by those of education and taste, was preached by Harvard educator John Gardner as a social good in his influential 1961 book of that title, and applied by such philanthropies as the Ford Foundation; PBS was intended as an antidote of such excellence to lowbrow commercialism. Yet PBS's schedule today is heavy with middlebrow entertainment and self-help shows, from the "spiritual" pronouncements of Deepak Chopra and Yanni, to the music of John Tesh, to often-repeated programs about personal investment strategies and even dog training.

Intended as a showcase of television at its best, PBS has developed a schedule of programs surprisingly redolent of what the commercial networks were offering in an earlier stage of their development. People remember that commercial networks once showcased impressive original drama, but they also used to present opera singers and cinéma vérité documentaries. PBS still presents full-length opera (so does Bravo), but the direction in which it is leading its viewers' appreciation of opera singers—to Dodger Stadium, where The Three Tenors can belt out Broadway show tunes—has disturbed genuine elitists. Bel canto on PBS is increasingly like the old *Voice of Firestone* on an unimagined scale.

Indeed, though PBS was supposed to raise the general level of culture to which the mass audience was exposed, the very existence of a public broadcasting network tending to a particular slice of the demographic pie was a likely factor in the networks' abandonment of the cultural gatekeeper role they inherited from network radio. The result was that the commercial network schedules were stripped of their slightly more upscale shows and became cheesier than ever.

While PBS was set up to create television that was unfettered by commercial interest or restraint, an impressive amount of its air time is now given over to programs that corporations are willing to be associated with, and to support. Better their money than ours, of course, but the promotion of corporate patronage as an essential aspect of elite American culture is an ironic fulfillment of the original pretentious vision underlying PBS.

There's nothing inherently wrong with seeking corporate funding (REASON does so); there's nothing wrong with giving an established viewership programs it likes. But it smacks suspiciously of a marketplace. There's really only one thing missing to set the network free and let PBS be PBS.

Jailer! The key!

Charles Paul Freund (cpf@his.com) is a REASON *senior editor.*

The Rewrite Stuff

By Steve Kurtz

Monster: Living Off the Big Screen, by John Gregory Dunne, New York: Random House, 203 pages, $21.00

Forget everything you know about Hollywood and think of it as a black box. In one end goes the talent, out the other come hundreds of movies that add up to one of America's most successful products, dominating competition worldwide. Hollywood *must* have a phenomenal system to do this—and to do it so well for so long.

Or does it? John Gregory Dunne's *Monster* rips open the black box, recounting in detail the eight years he and his wife, Joan Didion, worked on *Up Close & Personal*, a 1996 drama starring Robert Redford and Michelle Pfeiffer.

After reading of the production's tortuous history, and the 27 drafts of the script they completed, one might be excused for wondering how any films get made at all. The business seems to be full of pitfalls where a potential production can fall apart at any second (as most eventually do), where demands on writers are hopelessly vague and even contradictory, where petty recriminations abound, and where you never get fired, you just stop getting calls.

***Monster* recounts in detail the eight years John Gregory Dunne and Joan Didion worked on the screenplay of *Up Close & Personal*, a 1996 drama starring Michelle Pfeiffer and Robert Redford. Along the way, they completed 27 drafts of the script.**

Dunne has written an entertaining and insightful book, though perhaps not up to the 1983 classic of the genre, the wider-ranging *Adventures in the Screen Trade*, by William Goldman. *Monster* is a quick, fun read—at 203 pages, 33 lines of text a page, it moves. But it isn't simply another recasting of the long-standing conceit of the Lowly Writer being treated cruelly by Hollywood philistines. The scales fell from Dunne's eyes a long time ago, and he narrates with equanimity, even a sense of detached amusement.

Dunne can well afford such an attitude. The pecking order of screenwriters runs something like this: There's a charmed circle of a few hundred people who are in demand and are handsomely rewarded for their efforts (some making six figures a week for important rewrites). The next group—about five to 10 times larger—consists of writers who may be struggling, but are making a living. Finally come the vast horde of scribes having little or no success, fighting to break in (or in some cases return) to showbiz.

Dunne and Didion are members of the charmed circle. What's more, they are successful writers of fiction and nonfiction and celebrated members of the New York intelligentsia. They don't *need* Hollywood. Throughout the book (when not jetting off to Tuscany or St. Tropez), they're working on or turning down other projects, both in print and film. Indeed, Dunne apparently had no more commitment to the project, at first, than the desire to protect his Writer's Guild medical insurance. More than once they walk away from *Up Close & Personal*, only to have Disney beg them to return. Such leverage allows them to give as good as they get: *Monster* is spotted with faxes they sent when they felt pushed too far, running from peevish to nasty.

Still, why all the drafts? Why so much wasted time? Why does Hollywood allow—indeed, even *demand*—such seeming inefficiency?

First, it should be noted that this is nothing new. In the days of the studio system, producers thought nothing of ordering multiple drafts from different writers. It might be a little worse today for reasons discussed below, but numerous re-

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writes, revisions on the fly, and cut-and-paste final versions are an old story. (Many seemingly well-crafted and thought-out movie classics—*Casablanca* and *The Wizard of Oz*, for example—were the result of this system.)

Second, today's major studio films are tremendously expensive. Just 10 years ago, a $30 million budget was huge—today, an average film costs more. In fact, if you include promotional expenses, the average budget for a major-studio film comes in at almost $60 million, and big productions can easily go over $100 million. It's true that, with a bigger global market and video revenues rivaling theatrical grosses, hits can make more money than ever. But the flops are ruinous. Therefore, it's worth investing hundreds of thousands, even millions, in the development process, even if the film never gets made; once production starts, you've got a multi-million-dollar juggernaut on your hands.

Third, uncertainty is central to life at the studios. One flop and heads will roll. There's probably no industry of comparable size with such a high turnover rate. And as the maxim goes, "There's no limit to the number of people who will stay away from a bad movie." As long as nothing gets made, no one gets blamed. Remember, most films never show a profit—better to keep developing until you're happy, which could be never. Hence, development executives are always looking to please the audience. The revisions they wanted from Dunne tended to make the script more conventional—*Up Close & Personal*, they said, should be different, but not *too* different: less ambiguity, happier ending, more sympathetic and accessible lead characters. The producers also wanted to attract brand names—top directors and especially stars—to cover themselves. All this finickiness can lead to many drafts.

Fourth, in the old studio system, everyone was under contract. Ultimately, the front office was in control, and that was that. Now, the top people act as independent contractors, with their cooperation coming at the cost of allowing them a say.

Up Close & Personal started as a movie based on *Golden Girl*, a biography of the late newscaster Jessica Savitch. But the true story (cocaine addiction, abortions, lesbian episodes, untimely death) wasn't considered audience-friendly, especially in the tightly run, Jeffrey Katzenberg Disney of the late 1980s. So it took several drafts to find a suitable replacement for the Savitch story. Eventually, a producer, Scott Rudin, signed on and demanded many rewrites, more than Dunne ever expected—and he got them, since he's a guy who gets movies made. (In perhaps the book's most telling moment, Rudin explains that the plot is really about "two movie stars.") Then a director came aboard, Jon Avnet (best known for *Fried Green Tomatoes*). He had his own take, including a new angle dealing with his animus toward tabloid journalism. This required a number of new drafts.

The development process can take the personality out of a film, turning it into formula. Hollywood has a blockbuster mentality. There's a preference for the big, event movie: As Joe Roth, the current head of Disney films, has said, he'd rather make one $75 million picture than three $25 million films.

Next, the stars, Redford and Pfeiffer, were attracted. Both wanted to protect themselves and their characters, and demanded more rewrites. Finally, production was set, it was crunch time, and the obligatory numerous last-minute changes were needed, even after filming had started.

So that's how you get 27 drafts from Didion and Dunne, and a few more from two other writers who were on the project for a while.

But what of the writer, who bears the brunt of all this? Well, since the writers are getting paid, there are worse brunts to bear. But why doesn't the writer, who seems an indispensable part of the process, have more control? Some of this may be due to historical happenstance: Hollywood wasn't started by writers (who were of limited importance in the silent era). Mostly, however, it's because once production starts and the real money is being spent, writers recede into the background while the others take over in this strongly visual medium.

Directors control the look, the tempo, the feel of a film. Stars are perhaps even more significant, since, in the right parts, they're what the audience pays to see. Compare this to the power the writer has on the stage, where words live and the script is practically inviolable; or television, where more text is needed and less time can be taken in preparation, so writers with "producer" titles essentially run the medium.

So much for the business end of things.

How does the system affect the art? This is not easily answered. It's always dangerous to say how good or bad the art of any era is except in retrospect. Sometimes a Vast Wasteland turns into a Golden Age. (Otis Ferguson, a generally perceptive critic, wrote in *The New Republic*, "The film year has been about the leanest in seven"—in 1939, a year generally considered to be a high watermark for Hollywood.)

Film is a collaborative medium where the writer draws up the blueprint that a huge crew must then build. Or to overwork a different metaphor, the script may start out as the writer's baby, but it has to be adopted by the director, the actors, the cinematographer, the sound technicians, the composer, the editor, the costume designer, and many others for it to reach a successful maturity. Yet historically, the best Hollywood movies have often come about when someone had a vision and the control to see it through. This someone was frequently the director (Frank Capra, Howard Hawks, Ernst Lubitsch, Alfred Hitchcock), but could also be the producer (Irving Thalberg, Samuel Goldwyn, David O. Selznick), or the star (Buster Keaton, Fred Astaire, W.C. Fields).

There's no reason to doubt this still applies. Of course, everyone thinks they have "vision." Joan Didion herself has written ironically about stars and directors with "vision" who treat writers as the relatively minor people who merely put the words down on paper. So can development help? Sure. It can keep the story focused and prevent "visionaries" from

bankrupting the studio with self-indulgence. And writers, as much as this hurts to admit, can fall in love with their words and may sometimes need a nudge to look at their script with more objectivity.

But the development process can also take the personality out of a film, turning it into formula. And Hollywood has a blockbuster mentality. There's a preference for the big, event movie: As Joe Roth, the current head of Disney films, has said, he'd rather make one $75 million picture than three $25 million films.

The urge to go for a home run is partly the result of economics (it costs roughly the same amount to promote and distribute any movie; big names and big stories, which are expensive, have bigger potential audiences here and overseas). Nevertheless, this has led to a bifurcation: Many of the more "serious" films come from independent sources, while the majors swing for the fence. This isn't necessarily a bad thing for the viewer, since there's still plenty of choice. (And thanks to technological advances, the average person—with a VCR—has a wider selection of movies at a cheaper cost than ever before.)

It's true such "serious" films might cut deeper than average Hollywood fare, but there's something to be said for major studio output. Taken as a whole, Hollywood still produces a fairly diverse amount of entertainment across any number of genres. And perhaps *I'm* the philistine, but many "art" films make me appreciate the zip and even vulgarity that Hollywood is able to provide.

Seventy years ago, screenwriter Herman Mankiewicz sent a famous telegram from Hollywood to then-journalist Ben Hecht: "Millions are to be grabbed out here and your only competition is idiots. Don't let this get around." Well, it got around, and nowadays more writers want to create the perfect three-act screenplay than the Great American Novel. Playwright John Guare has a blurb on the back of *Monster*—the book is a "perfect antidote for anyone delusional enough" to want a write a screenplay. I don't think it'll have that effect. As Dunne notes at the end of the book, through the eight years they worked on the film, he and Joan had a good time. And as maddening and absurd as the system seems, a lot of the excitement—and money—of working in the movies still comes through.

If Hollywood goes through some lean years, it's probably due for a shakeout in middle management, and the line may finally hold on the salaries of talent. But until then, though the system could use some reform, as long as it's not truly broken, and the people on top are making so much money and having so much fun, no one's going to fix it any time soon. ◆

Steve Kurtz is a screenwriter living and occasionally working in Los Angeles.

Bug Zappers

By Jacob Sullum

Virus Ground Zero: Stalking the Killer Viruses with the Centers for Disease Control, by Ed Regis, New York: Pocket Books, 244 pages, $23.00

The 1995 movie *Outbreak*, in which a cute monkey carries a nasty virus from Zaire to California, opens with a quote from the geneticist Joshua Lederberg: "The single biggest threat to man's continued dominance on the planet is the virus." Early in the film we learn that the "Motaba virus" causes a form of hemorrhagic fever that "kills in two or three days," and "the mortality rate is 100 percent." After a small California town hit by the microbe is quarantined, the general played by Donald Sutherland says, "If that bug gets out of there, 260 million Americans will be dead or dying." The general played by Morgan Freeman raises the stakes even higher: "The fate of the nation, perhaps of the world, is in our hands."

As it happened, the movie opened a couple of months before a highly publicized outbreak of hemorrhagic fever in Kikwit, Zaire. The real-life outbreak, which science writer Ed Regis chronicles in his fast-paced and absorbing new book, *Virus Ground Zero*, also inspired apocalyptic warnings. Early press reports cited "fears that it may be the deadly Ebola virus, an incurable 'doomsday disease,' " and quoted a Zairian doctor who said, "The situation could get totally out of control." A World Health Organization official told the *San Francisco Chronicle*, "If it is Ebola, this is the big one—this is what we're always thinking about when we talk about serious, dangerous disease threats."

The public had been primed to expect "the big one" by books like Laurie Garrett's *The Coming Plague* and Richard Preston's *The Hot Zone*, both published in 1994. "In a sense, the earth is mounting an immune response against the human species," Preston wrote. "Perhaps the biosphere does not 'like' the idea of five billion humans....The earth is attempting to rid itself of an infection by the human parasite." Preston called AIDS "the revenge of the rain forest" and warned, "It is only the first act of revenge." *Outbreak*, in which the first person to be infected picks up the disease while helping to build a road through the jungle, flirts with a similar idea. The local witch doctor, explains a physician, "believes that the gods were awakened from their sleep by the men cutting down the trees where no man should be, and the gods got angry. This is their punishment."

Regis has little patience with this sort of nonsense. "The 'revenge of the rain forest' doctrine was in fact a return to a prescientific, animistic conception of nature," he writes. "[I]t was a throwback to the days when the gods were portrayed as stomping about in heaven and hurling thunderbolts down from the sky. The only difference was that these days they were slinging viruses." The notion also helped fill a void left by the end of the Cold War: "All at once viruses had replaced the A-bomb as the object of the apocalyptic vision." Noting that "Ebola kills 88 percent of its victims," a participant in an Internet discussion group called it "the mightiest threat mankind has yet faced."

But in the end, Ebola killed less than one-tenth of 1 percent of Kikwit's popu-

lation—300 people out of half a million, in a crowded city with poor medical care and abysmal sanitary conditions. And as Regis shows, it was stopped through utterly prosaic methods. A physician with the U.S. Centers for Disease Control and Prevention describes the first order of business when he and his colleagues arrived at Kikwit General Hospital, the main locus of transmission for Ebola: "We just went in, cleaned the floor, removed the needles, removed the cadavers, put them in body bags, did the cleaning." Wearing protective clothing, they cleared out and carefully disposed of the vomit, urine, excrement, dirty needles, and dead bodies, liberally applying bleach solution to everything. They instituted basic sanitary procedures, including the wearing of gloves and face masks. Thus was the "doomsday disease" conquered.

"The fact of the matter was that Ebola hemorrhagic fever, along with Marburg and Lassa, were diseases of poverty and bad hospitals," writes Ed Regis. Common items such as rubber gloves, plastic gowns, and face masks could halt an epidemic. A killer virus itself could be killed by a liberal application of household bleach.

"The fact of the matter was that Ebola hemorrhagic fever, along with Marburg and Lassa, were diseases of poverty and bad hospitals," writes Regis. "Although they thrived momentarily when they erupted in such environments, those same viruses were stopped cold every time they turned up in well-equipped medical institutions....Common and ordinary items such as rubber gloves, plastic gowns, and face masks could halt an epidemic. A killer virus itself could be killed by a liberal application of household bleach. [T]hose items, mundane and boring as they were, had been the very things that had terminated the Ebola outbreak in Kikwit." He quotes a South African physician who dealt with an earlier outbreak of the disease: "Ebola is of absolutely no danger to the world at large. It is a dangerous virus, but it's relatively rare and quite easily contained....The media is scaring the world out of its wits, and movies like *Outbreak* are doing people a great disservice."

What about "erring on the side of caution"? Dustin Hoffman's character in *Outbreak*, a virus specialist at the U.S. Army Medical Research Institute of Infectious Diseases, is portrayed as heroic because he always assumes the worst, and sometimes he's right. But as Regis's account of the 1976 swine flu fiasco makes clear, such pessimism has its costs. Based on a single ambiguous case, the Ford administration ordered a crash vaccination program that killed 58 people through side effects before it was aborted. The program saved no one, since the epidemic never materialized: "The swine flu virus had disappeared from the United States before the vaccination campaign began."

In addition to debunking microbe-of-the-moment alarmism, Regis offers a lively, engaging, and often amusing account of how disease controllers do their job: tracing (and breaking) lines of transmission, identifying pathogens, looking for their source, developing countermeasures. He pops back and forth in time a lot, which is occasionally confusing (and makes the absence of an index all the more irritating) but generally helps to keep things interesting. We learn not only about the Ebola outbreak in Kikwit but also about the eradication of smallpox, the solution to the mystery of Legionnaires' disease, and other fascinating episodes in epidemiology.

In telling these stories, Regis also tells the story of the CDC, which in many ways has been a victim of its own success. Because Americans no longer live in fear of once common scourges such as malaria, polio, measles, and tuberculosis (to say nothing of smallpox and bubonic plague), occasional outbreaks of infectious diseases get a lot of attention. And because scientists have learned to identify a bewildering variety of previously unrecognized pathogens—hantavirus, *Legionella pneumophila*, the Rocky Mountain spotted fever *Rickettsia*—it sometimes seems as if dangerous

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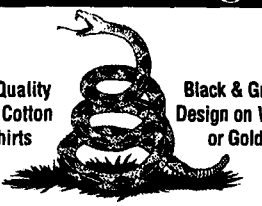

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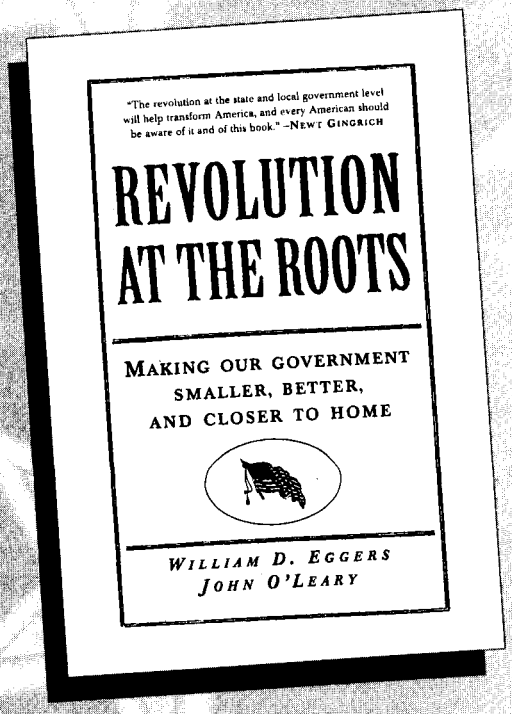
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diseases are cropping up everywhere. "The irony was that the CDC's increasing successes identifying pathogens were looked upon as ominous and threatening, as foreshadowing uncontrolled outbreaks of 'new' and 'emerging' diseases," writes Regis. "The more successful the CDC became, in other words, the more diseased the world looked."

In reality, however, the CDC's new assignments simply did not compare to the plagues of the past. Even AIDS, though incurable, could generally be avoided by eschewing certain activities; contrary to the impression created by the CDC itself, it never threatened to sweep through the general population. Once the infectious disease business seemed to be winding down, it was only natural that the CDC would seek new missions, moving from diseases to injuries, from germs to risky behavior. It became "the ultimate self-amplifying federal bureaucracy. After all, who could object to any institutional excess, any expenditure or innovative new program, so long as it was done in the name of 'health'? And so the place was always building itself up, expanding, and heading off in important new directions."

By the late 1970s, the CDC was taking an interest in smoking, drug addiction, car accidents, unwanted pregnancy, social disorders, emotional stress—even violence. "Whatever else could be said about it," notes Regis, "violence was a product of human free choice, not something that was transmitted to you unknowingly or against your will, like a virus. You did not wake up in the morning and find yourself suddenly in the grip of a violence infection."

But such quibbles did not stand in the way of the CDC's empire building. By 1994, Regis reports, "the CDC's main business, the control of infectious diseases, was just one of dozens of jobs that the CDC had taken on, just another of its many and diffuse assignments. At that point, indeed, the National Center for Infectious Diseases ...was receiving only about 10 percent of the CDC's overall budget." Traditional public health specialists—including Dr. C. J. Peters, head of the CDC's Special Pathogens Branch, who is featured prominently in *Virus Ground Zero*—have expressed discomfort with the agency's ever-expanding agenda, which they think detracts from its central function. Regis notes that, contrary to expectations, infectious disease mortality in the United States rose between 1980 and 1992, a period when the CDC was spreading itself thin by taking on projects far afield from its original mandate.

Virus Ground Zero suggests another problem with the CDC's undisciplined ambitions: The attitude and temperament needed to fight infectious diseases may not be appropriate for other causes of morbidity and mortality. "By and large," Regis says, "physicians gravitated toward public health because they regarded traditional one-on-one medicine as boring, pointless, or both." They liked the fact that "the focus was on 'herd health,' which meant concentrating on groups of people rather than individuals; the objective was prevention, immunization, making whole *populations* healthy." This collective approach may work fine for tuberculosis or Ebola, but it tends to run roughshod over individual rights when it's applied to voluntarily assumed risks.

Dr. Joanna Buffington, head of the CDC's Epidemic Intelligence Service, is one of those physicians who prefers to deal with populations rather than people. As Regis tells it, she joined the CDC because she was sick of her family practice. "She hated it," he writes. "She hated the patients who wouldn't take care of themselves, the smokers who came in with their fourth bout of pneumonia but who wouldn't quit smoking, the plump and portly jumbo types who wouldn't cut down on their eating, wouldn't exercise." She tells Regis, "I started to *resent* these people. And then I'd think, 'Wait a minute, a doctor is not supposed to feel like that. I'm supposed to be compassionate and caring.' But I was getting *angry* at these people!"

It's a good thing that people like Buffington turn their anger against deadly microbes. But I worry about putting them in charge of achieving "a smoke-free society" or halting the "epidemic of obesity." Recalcitrant smokers and portly jumbo types should worry too.

Senior Editor Jacob Sullum (jsullum@aol.com) is the author of a book on the anti-smoking movement, forthcoming from The Free Press.

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The Cubic Zirconia Court

"Must carry" cable rules don't sparkle.

By Thomas W. Hazlett

Twice in the 1980s, federal appeals courts threw out "must carry" rules crafted by the Federal Communications Commission. These regulations forced cable TV systems to give channel space to every local broadcast (over-the-air) television station. The courts found this infringement of the editorial discretion of "electronic publishers" a violation of the First Amendment's directive that "Congress shall make no law...abridging freedom of speech, or of the press."

That's when Congress got involved. Apparently encouraged by the tidy unconstitutionality of the twice-rejected rules, the House and Senate overrode George Bush's veto to enact the 1992 Cable Act, a measure featuring a statutory version of the old FCC rules. Industry wizards widely theorized that the law would again be overturned on constitutional grounds. But in a 5–4 decision, the Supreme Court has upheld new "must carry" rules—and delivered a stunning blow to free speech in these United States.

The premise of the decision is that cable television systems possess monopoly power in the local distribution of video programming. Hence, Congress serves the interests of "free speech" by compromising rights (including the right to select the networks featured on any one cable system) to enhance the speech of others—local broadcasters.

These TV stations, licensed by the FCC, are sprinkled with the fairy dust of "public interest, convenience, and necessity." As defined by Washington, they deliver the information services vital to the health of American Democracy.

In reality, "must carry" works like this: In the vast majority of cases, cable companies are happy to give carriage to all the locally available broadcast signals—it's cheap (essentially free to cable operators), popular programming. But in some markets (say, the San Francisco Bay Area), adjacent communities have been assigned TV stations (say, Oakland, San Jose, Petaluma, and San Francisco), and "must carry" dictates that multiple ABC or PBS affiliates elbow into the cable menu. These marginal stations are neither popular, as their programs are entirely duplicative, nor inexpensive, as they chew up megahertz which would otherwise transport The Learning Channel or C-SPAN2.

In the March 1996 issue of REASON, C-SPAN CEO Brian Lamb complained bitterly that the 1992 act had effectively eliminated or reduced carriage of his two networks for at least 7 million cable TV subscribers. This effect, said the Court, was but a small price to pay for ensuring the "governmental purpose of the highest order in ensuring public access to a multiplicity of information sources." Earth to Supremes: The high-quality, information-rich cable channels knocked out in millions of U.S. households are making room for low-valued, little-watched broadcast outlets featuring *Mannix* reruns and, most sensationally, home shopping!

Having sold its cable systems, *The New York Times*, a First Amendment–protected newspaper, now endorses "must carry." At least the paper concedes that "one perverse result...is that it knocks out valuable channels like C-SPAN in favor of duplicate home-shopping or minimally watched channels." So we sacrifice the information cornucopia of the best public affairs television in the history of the medium to catch that *Hello Larry* rerun.

It is curious that local newspaper monopolies, exhibiting high profitability and mega-influence in the marketplace of ideas, cannot be similarly constrained—or protected—by government. The *Times* is not subject to common carrier regulations mandating that it run columns or news stories by a wide range of "public interest" licensees, despite its larger-than-life role as arbiter of everything "that's fit to print."

Interestingly, newspapers went unprotected against the broadcast TV onslaught—a massacre that has driven the evening edition to extinction and continues to forge one-paper (monopoly!) towns all across the land. The trick is that, as the Supreme Court has shielded the old-fashioned print press from regulation, Congress has grown attached to the news sources it can license. Hence, seeing unregulated newspapers perish in favor of broadcasting outlets with FCC leashes (and typically minuscule news operations) was a transition that didn't seem to offend the government's heartfelt support for a "multiplicity of information sources."

The Court actually began its analysis on solid ground: Local cable TV distribution is in fact dominated by franchise monopolies, thanks largely to anti-competitive attitudes at city hall and parsimonious radio spectrum allocations (for, among other technologies, "wireless cable") at the FCC. But in spinning a tale of protectionism—some "broadcast stations had...suffered serious reductions in operating revenues as a result of adverse carriage decisions by cable systems"—the Court spit in the face of audience choice.

According to an official study by the Federal Trade Commission that analyzed which TV stations cable operators dropped after "must carry" rules were abolished in the 1980s, the evidence was overwhelming that dropping "must carry" enabled customers to receive more of the programs they demanded.

But what use is pro-consumer evidence against the threat that "expansion in the cable industry was harming broadcasting"? And what good is cable-originated, unregulated C-SPAN competing against cubic zirconia salesmen and sitcom rerun syndicators licensed in the "public interest"? Hello Larry. Goodbye Brian.

Contributing Editor Thomas W. Hazlett (hazlett@primal.ucdavis.edu) teaches economics and public policy at the University of California, Davis.

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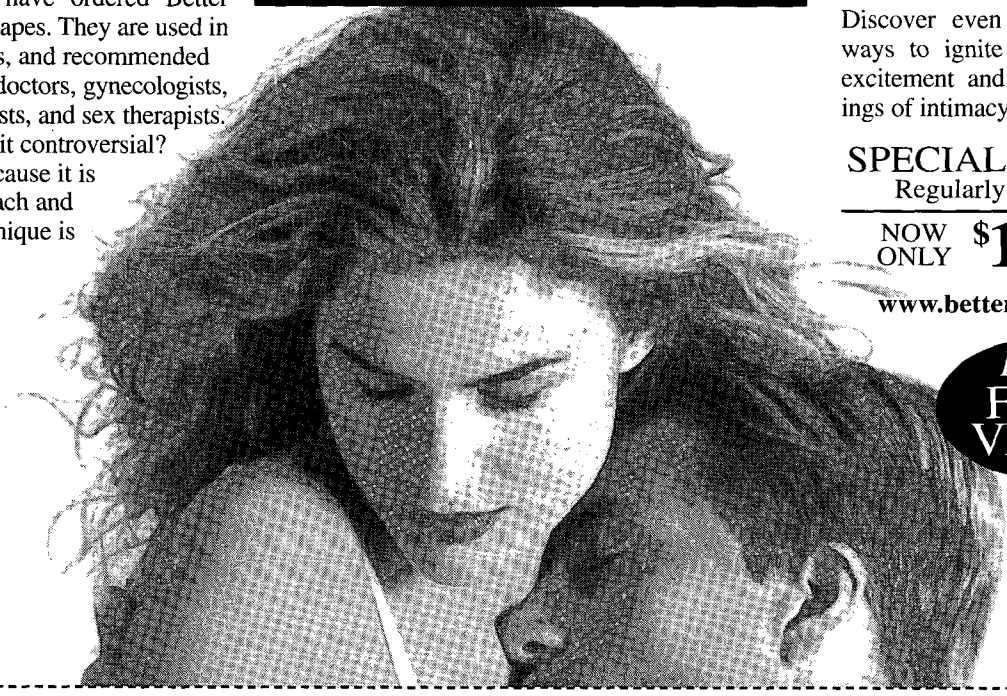

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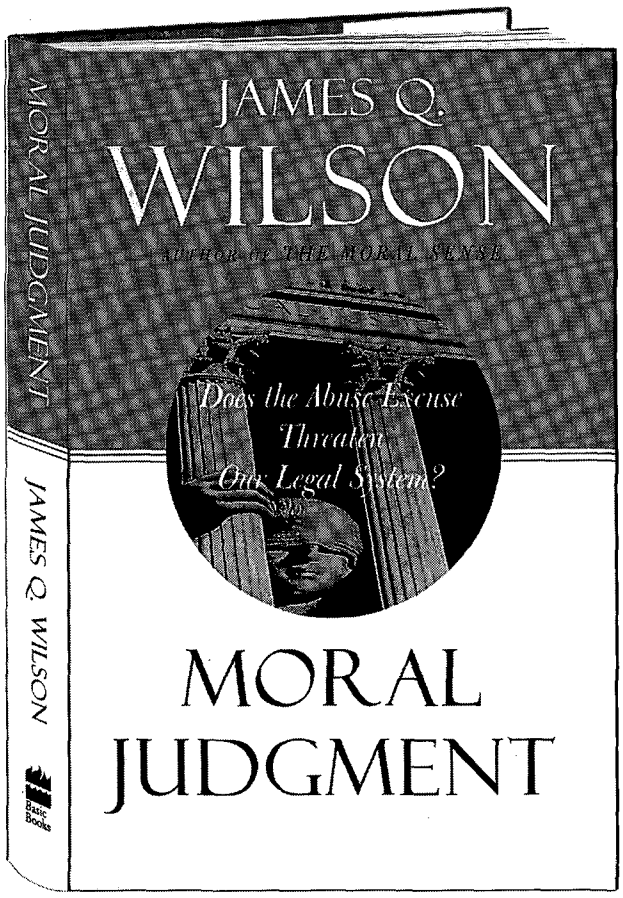

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